Nos. 91-155, 91-339

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In The

Supreme Court of the United States

October Term, 1991

INTERNATIONAL SOCIETY FOR KRISHNA CONSCIOUSNESS, INC., AND BRIAN RUMBAUGH,

Petitioners and Cross-Respondents,

v.

WALTER LEE,

Respondent and Cross-Petitioner.

On Writ Of Certiorari To The United States Court Of Appeals For The Second Circuit

JOINT APPENDIX
VOLUME II (Pages 292-551)

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1986 Airport Highlights
John F. Kennedy International Airport
Newark International Airport
LaGuardia Airport

1986: Rebuilding to Meet the Challenge of the Future

The year 1986 will be remembered as a pivotal year for the airports serving the metropolitan area, a year in which The Port Authority of New York and New Jersey developed a multi-billion dollar capital plan to rebuild and modernize Kennedy, Newark and LaGuardia Airports.

Major components of the plan call for an expansion of the airport roadway systems, reconfiguration of a number of existing passenger terminals and construction of major new terminal facilities. Together, they will enable the airports to efficiently handle a 50 percent increase in passenger demand forecast to take place by the end of the century.

Together with expanded ground access and terminal capacity, capital improvements will be made to parking facilities, inter-terminal connections and baggage handling systems. There will also be an array of new services – restaurants, meeting rooms, communication and financial services, retail shops – that will make air travel to and from the bi-state region a more efficient and convenient experience for all travelers.

Equally significant to the redevelopment of the airports will be improvements to the capacity and quality of off-airport ground connections. To ensure that this aspect of airport service is achieved, a key element of the Port Authority plan will be promotion of high-occupancy vehicle and mass-transit options for travel to and from the airports.

The need for this extensive redevelopment of the metropolitan area airports was borne out in the region's levels of air passenger and cargo traffic in 1986. The tri-airport complex served a record 79 million passengers and handled more than 1.4 million tons of cargo last year. Both Kennedy and Newark recorded gains in cargo volume over the previous year. Increases in passenger demand occurred at Newark and LaGuardia Airports. A slight decline in passenger activity took place at Kennedy International. This was due mainly to the decline in overseas travel that took place early in the year. This situation at JFK had corrected itself to a great extent by the end of the year.

While major planning efforts continued throughout the year, construction projects moved ahead at all three airports. In addition, considerable effort was focused on increasing aeronautical capacity and reducing flight delays at the airports. As a result of continuing efforts with the Federal Aviation Administration and the airlines, the FAA will implement a comprehensive plan to

reconfigure and greatly expand the region's air routes early in 1987. It is anticipated that this program will reduce flight delays while providing for increased traffic capacity at all three airports.

Advances were also made during the year in achieving better utilization of airport gate positions. In 1986, work continued with airport tenants, local officials and the U.S. Immigration and Naturalization Service (INS) on reducing the processing time for arriving foreign travelers. Introduction of a separate inspection line for U.S. resident aliens and diplomats, increased staffing and training of federal inspection personnel, installation of computerized screening equipment and an expansion of passenger staging areas will contribute to marked improvement in this area.

While it has been an active year, we anticipate even greater challenges in the near future, as the Port Authority begins implementation of an ambitious capital construction program to revitalize the region's air transportation facilities.

1986 Airport Highlights

- Planning was completed for the major redevelopment and improvement of JFK, Newark and LaGuardia Airports
- Construction of Terminal C at Newark moved ahead, while two new cargo terminals were completed
- Pan American World Airways inaugurated shuttle service to Boston and Washington from LaGuardia Airport

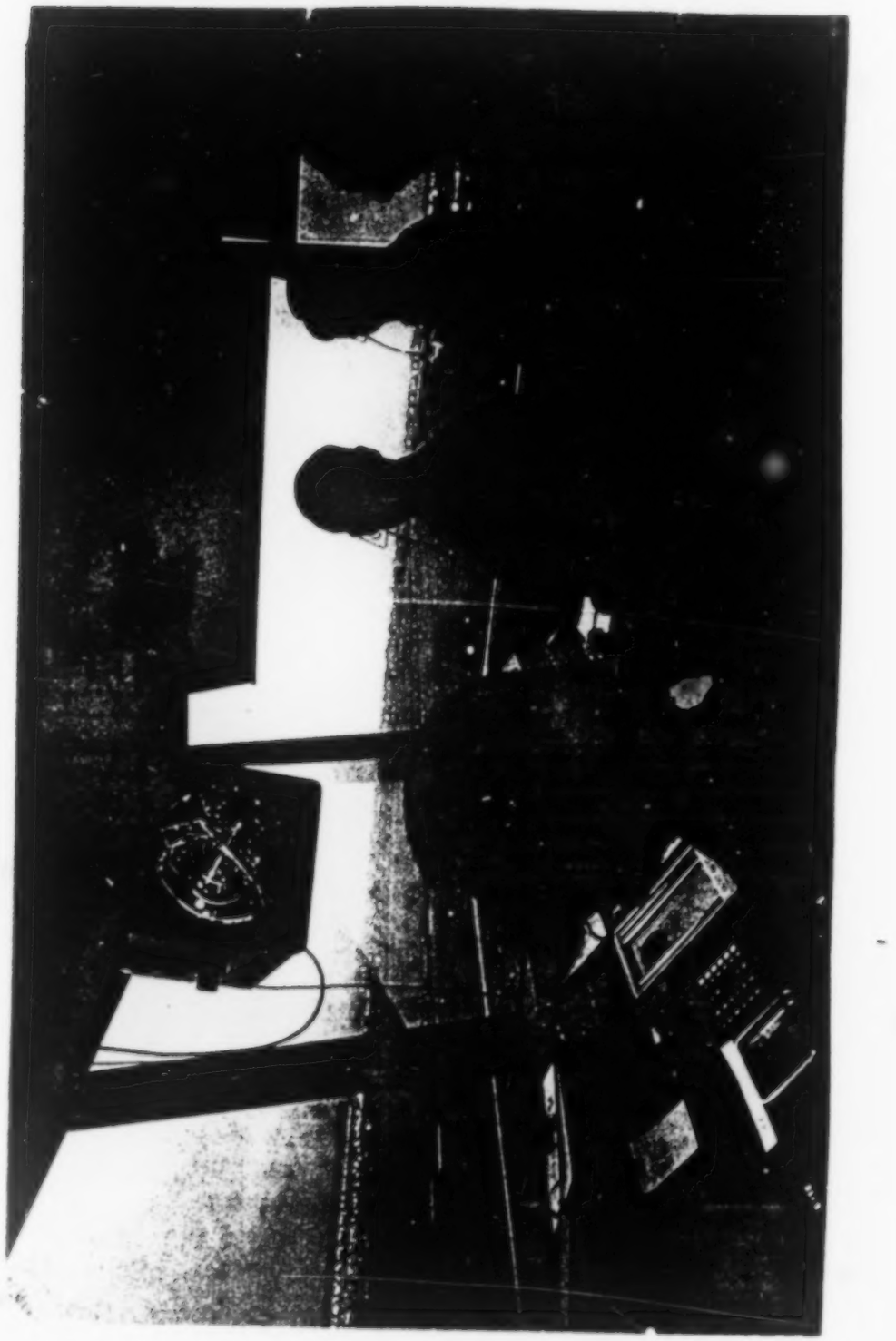
- Interior reconstruction of the Central Terminal Building at LaGuardia continued
- An improvement program progressed at the International Arrivals Building at JFK with new interline facility and conveyor system
- Construction began on two new cargo terminals at JFK
- The first U.S. international clearance center for air couriers and first U.S. central cargo examination facility opened at JFK
- Implementation of AIr Cargo Fast Flow progressed with completion of system functional design
- Consolidated Ground Transportation Counters in service at all three airports
- Air traffic results 1985-1986

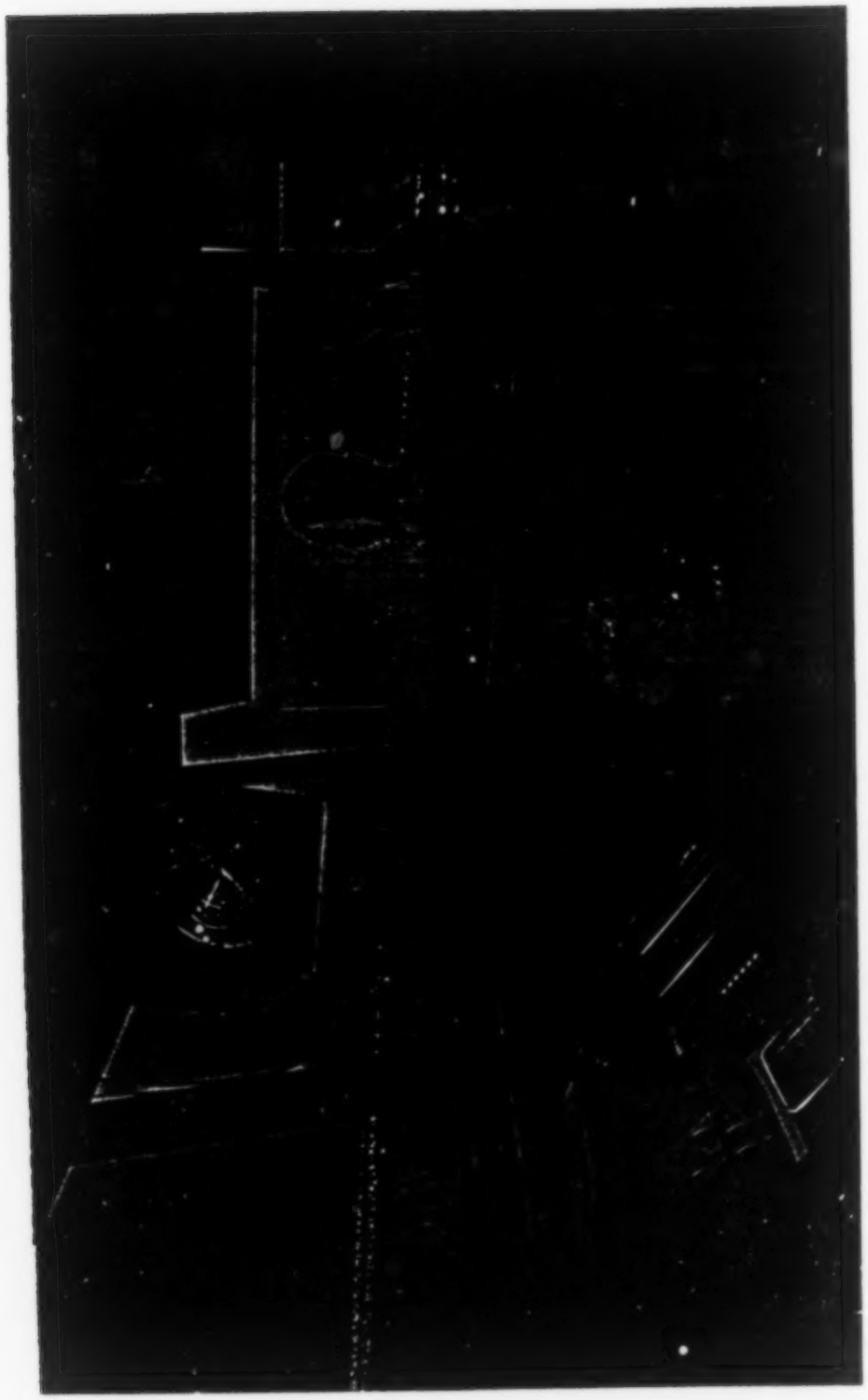
The Year at a Glance

	1986	Change From Previous Year
Passengers	78,846,000	+ 1.0%
Share of U.S. Domestic	7.8%	– 3.7%
Share of Trans-Atlantic*	54.4%	– 3.7%
Airline & Commuter Movements	934,000	+ 2.8%
Gen. Aviation & Air Taxi Movements	96,000	– 8.4%
FAR 36 Noise Compliance*	97.3%**	+ 3.4%
Air Cargo Tons	1,445,000	+ 2.6%
Share of Domestic Cargo Enplanements	7.8%	– 20.4%
Share of U.S. Airborne Foreign Trade	35.5%	– 8.9%
Number of Airlines (incl. commuter)	109	+ 1.0%
Employment	64,100	– 0.9%
Estimated Annual Payroll	$2.1 billion	–

*For nine-month period January-September 1986

**Remaining 2.7% consist of two-engine aircraft exempt from Federal regulations until January 1, 1988





Port Authority police officer aids airport patron. Travelers respond to airport questionnaire at JFK.

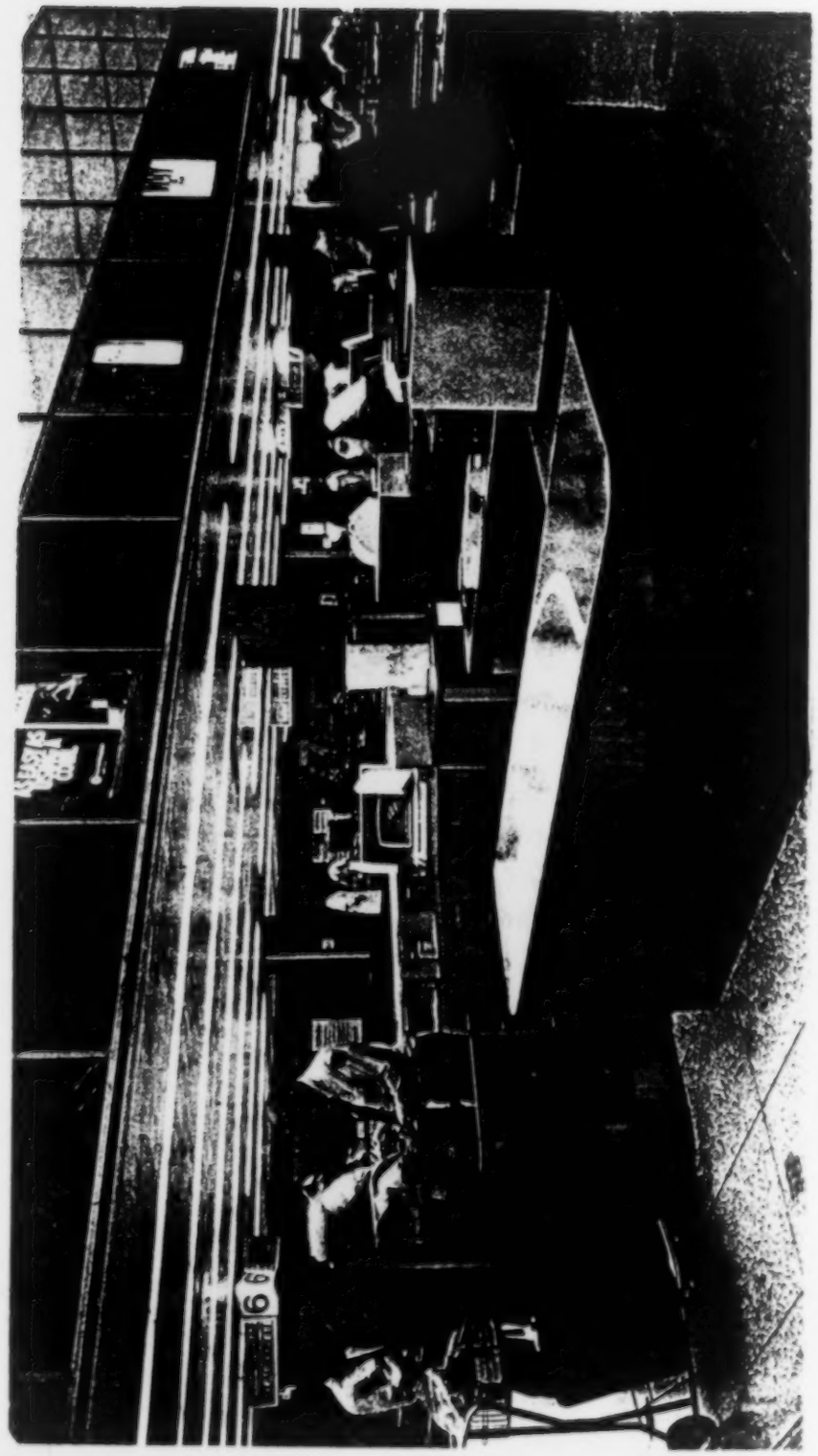
Ground Transportation and Terminal Services

The overriding goal of the Port Authority is to enable each airport to handle a significant increase in activity in an environmentally sound way. To this end, we are encouraging high-occupancy vehicle (HOV) use by actively seeking out new bus and limousine services to provide a broader range of transportation alternatives to and from the three airports.

Last year say Olympia Trails, which links Newark and Kennedy Airports, including a stop at the World Trade Center, start express bus service to LaGuardia Airport. At Newark, the Airlink coach service, which connects Newark Airport with mass transit hubs in downtown Newark, is now being operated by New Jersey Transit (NJT). To accommodate the increased passenger volumes, NJT has expanded operations to 20 hours daily with full size buses. Also at Newark, Connecticut Limousine has added extra stops to its routes and now serves portions of Westchester County, New York.

Another ground transportation service, started by Westchester Express, provides air travelers with shared door-to-door service from LaGuardia and Kennedy Airports to Westchester County. In addition, Long Island-Connecticut Limousine Group has started scheduled service between Long Island and the metropolitan area airports with three routes, serving the north and south shores of Long Island as well as mid-island destinations.

Vial to the proper functioning of the ground transportation services are the Consolidated Ground Transportation Counters in operation at all three airports. One is at JFK, seven are at LaGuardia and two are at Newark. Two

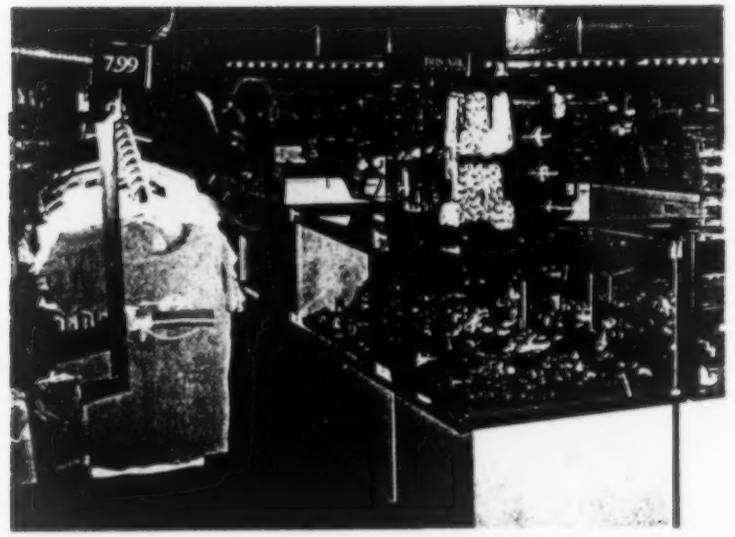


Sixty redesigned Customs counters were installed at JFK last year.

additional Port Authority counters are planned at Newark and six are planned for JFK, all of which should be operational in the spring. Staff at these counters provide travelers with a single impartial source of accurate transportation information and help them to make their ground transportation reservations.

Contributing to the effective use of public transportation to the airports is the Port Authority's AIR-RIDE telephone information service. Last year, a total of 70,000 calls were received, a 17 percent increase over the previous year. This toll-free service for the metropolitan area is operated on a 24 hour basis throughout the week, and provides detailed information about public transportation to and from Kennedy, Newark and LaGuardia Airports. As part of the system, a special toll-free information number is available only for the travel industry.

Port Authority plans include the development of "satellite ground transportation terminals" in Long Island and New Jersey. The terminals would offer parking and drop-off areas for air passengers who would then take regularly scheduled limousines and buses to the airports. This could represent an effective alternative for many air passengers who now use private automobiles. To initiate this service, the Port Authority issued requests for proposals during 1986.

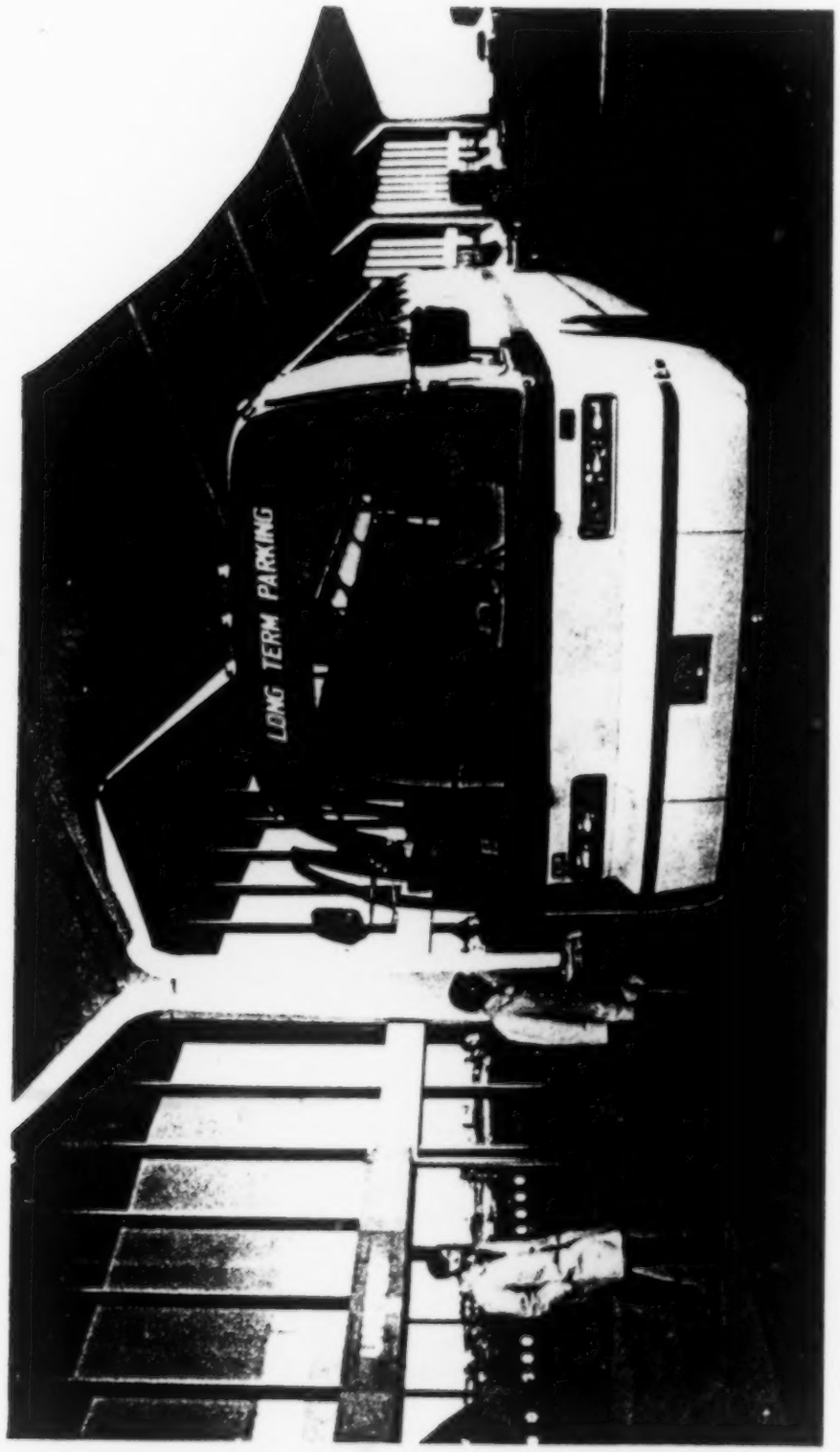


One of many convenient retail shops operating at the airports.

The Port Authority is also developing a ride-sharing program for JFK that would encourage airport employees to use high-occupancy vehicles for commuting to and from the airport.

Part of the effort to upgrade the three airport system includes improving mass transit access to all three airports, now and in the future. At Kennedy, for example, a new rail/bus station for the JFK Express train opened in the summer. Most significant are our plans for the future. The JFK 2000 plan is designed to improve mass transit use by creating a Central Terminal Area transportation center, where buses and limousines would pick up passengers after they had taken a two minute people mover trip from their airline terminal.

The Port Authority also plans to improve the connection between the Central Terminal Area and the Howard Beach train station to encourage greater use of the JFK



Free bus service is provided around the clock from the terminal buildings to the long-term parking lots at all three airports.

Express. The first phase of these improvements could include improved bus service – possibly an exclusive bus lane – from the train to the transportation center.

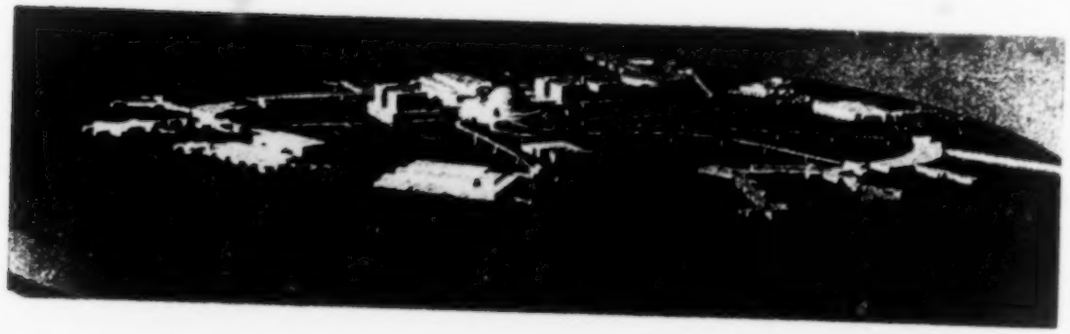
In 1986 the Port Authority, in conjunction with New York City officials, issued a request for proposal to establish a bus service from the LIRR station in Jamaica to both Kennedy and LaGuardia, to encourage further use of mass transportation for air passengers and airport employees. In addition, an extension of the Metropolitan Transit Authority's Q3 bus service into JFK will start this spring.

At LaGuardia, new connections to mass transit are being examined by the New York City Department of Transportation and the Queens Borough President's planning office. In addition, the establishment of a high-speed ferry service from Manhattan to the airport is under consideration.

At Newark, we are examining the possibility of providing a connection from the planned on-airport people mover system to regional public transportation systems. We also plan on giving preferential placement of high occupancy vehicles on sections of curb frontage. This is being done to enhance the level of ground transportation service provided to the traveling public.

An additional part of our ground access strategy is to reduce automobile congestion and delays by improving the roadway systems at Kennedy, Newark and LaGuardia Airports. Now underway at Kennedy Airport is a project to upgrade 150th Street into an expressway, thereby providing JFK with a second major entrance for traffic approaching from the east, including direct connections

Conceptual model of the JFK 2000 redevelopment program. Roadway construction at JFK.



to the major expressways adjacent to the airport. Upon completion in early 1988, this system of roads will enable more traffic to be diverted from the now overburdened Van Wyck Expressway, the airport's sole major access route.

Equally significant, the roadways in Kennedy's and Newark's Central Terminal Areas will be reconfigured and expanded under each airport's capital program. At LaGuardia, work will start on a major roadway improvement program next year in order to split airport traffic evenly between the Central Terminal Area and the East End Area.

We undertook several initiatives during 1986 to upgrade the quality of customer services. A comprehensive evaluation of all public food and beverage operations within the passenger terminals at the three airports was completed in 1986. This analysis is designed to achieve immediate improvements to existing establishments, as well as to develop a more consumer-oriented direction for airport food services over the longer term.

During 1986, we also added to the quality and variety of merchandise sold at the metropolitan area airports, with the opening of two Bloomingdale's stores at JFK. One is in the International Arrivals Building, the other in the Pan American World Airways Terminal.

The Future of John F. Kennedy International Airport

During 1986, work was completed on plans to rebuild John F. Kennedy International Airport, to enable the

airport to efficiently handle a fifty percent increase in passenger growth expected by the year 2000. The total cost is estimated at between $2 and $3 billion.

Early in 1986, PRC Engineering, Inc. and I.M. Pei & Partners delivered to the Port Authority a master functional plan for the redevelopment of JFK. At our request, Bechtel Civil, Inc. undertook a constructibility review of the plan. Bechtel concluded that the JFK 2000 program was feasible as planned, the proposed eight-year schedule was practicable and the project's construction cost would be within the estimated range.

Incorporating their comments along with input from the airlines, the federal agencies involved, transportation operators and the Urban Land Institute (an independent organization which conducts research into urban planning), the Port Authority finalized its plans for rebuilding Kennedy International Airport. The agency will be working closely with local officials and communities to assure that the needs of airport-area communities will also be considered throughout this massive rebuilding effort.

The heart of the new JFK plan is a speedy, high-tech system for transporting travelers and their baggage between airline terminals. A fully automated Passenger Distribution system will be designed to shuttle passengers between the terminals and the centrally located Transportation Center by the use of state-of-the-art automated vehicles traveling on elevated guideways. The Transportation Center will serve as a front door for the airport, providing a convenient terminal for patrons arriving or departing the airport by various transportation modes. At the same time, it will also provide quicker,

more convenient transfer service for passengers connecting between terminals. A user friendly baggage handling system will also be designed to improve speed and reliability for all passengers, but especially for interline passengers.

The Transportation Center, to be located in the heart of the Central Terminal Area, will be connected to the International Arrivals Building by a new and enlarged Federal Inspection Services Hall designed to handle up to 6,000 passengers per hour, double its present capacity. This linking of the Transportation Center and the IAB is expected to provide for better pedestrian flow patterns and an improved level of passenger service.

The Transportation Center may include such additional services as restaurants, shops, a business service center, a new heliport, a new air traffic control tower and possibly hotel and conference facilities.

Another important aspect of the JFK 2000 plan involves the capability of the passenger terminal buildings to handle the expected increase in air passenger traffic. Ongoing efforts to address this issue include the acquisition of a computerized gate utilization model to help determine future gate requirements, as well as improvements and expansions to the existing terminal facilities.

While design and construction proceed on various elements of the master plan, several projects are being carried out to provide service improvements to both the International Arrivals Building and the airport roadway system, as well as upgrade the level of mass transit service to the airport. These include a joint program with New York State to provide a second major entrance to the

airport at its eastern approach, a comprehensive improvement program for the International Arrivals Building, and improvements to the JFK Express, the New York City Transit Authority's express train to the airport from Brooklyn and Manhattan.

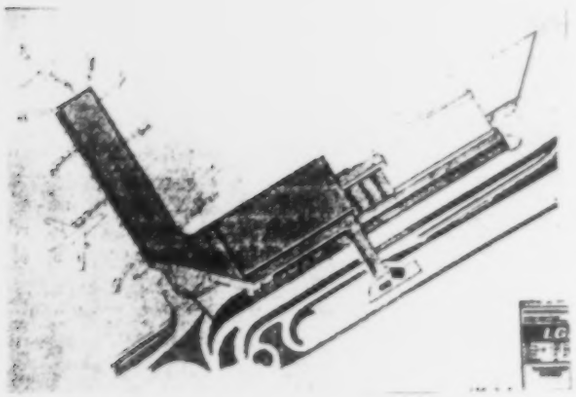
The 150th Street entrance to the airport is being rebuilt into a limited access, median separated expressway. Each direction will have two lanes, paved shoulders and parallel service roads for public use. Also included is a restricted service road that will connect the North Cargo Area to the airport's Central Terminal Area, thereby improving commercial access to Kennedy International. When completed in the spring of 1988, this system of roads is expected to eliminate much of the intermixing of slow moving aeronautical vehicles with normal traffic. Moreover, when combined with the new expressway (the JFK Expressway), they will provide a second major access route to Kennedy with direct connections to the Van Wyck Expressway, the Belt Parkway, and the Nassau Expressway. This is the first stage of a comprehensive reconfiguration of the airport roadway system.

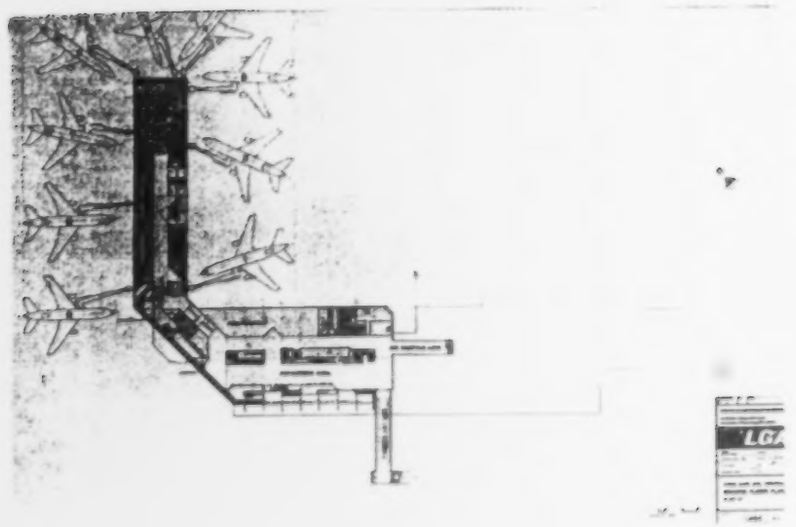
Future plans call for the reconfiguration and reconstruction of the Central Terminal Area's roadway network to increase efficiency and ease congestion. Direct roadway connections will be provided between each of the four main terminal areas and the two main airport access highways, the Van Wyck and JFK Expressways.

The $24 million renovation of the International Arrivals Building now underway will significantly upgrade the facilities there and is expected to be finished in 1987.

150th Street is being turned into an expressway at JFK with new connections to Nassau Expressway and adjacent roadways.

Two views of conceptual plans for a new east end passenger terminal at LaGuardia.





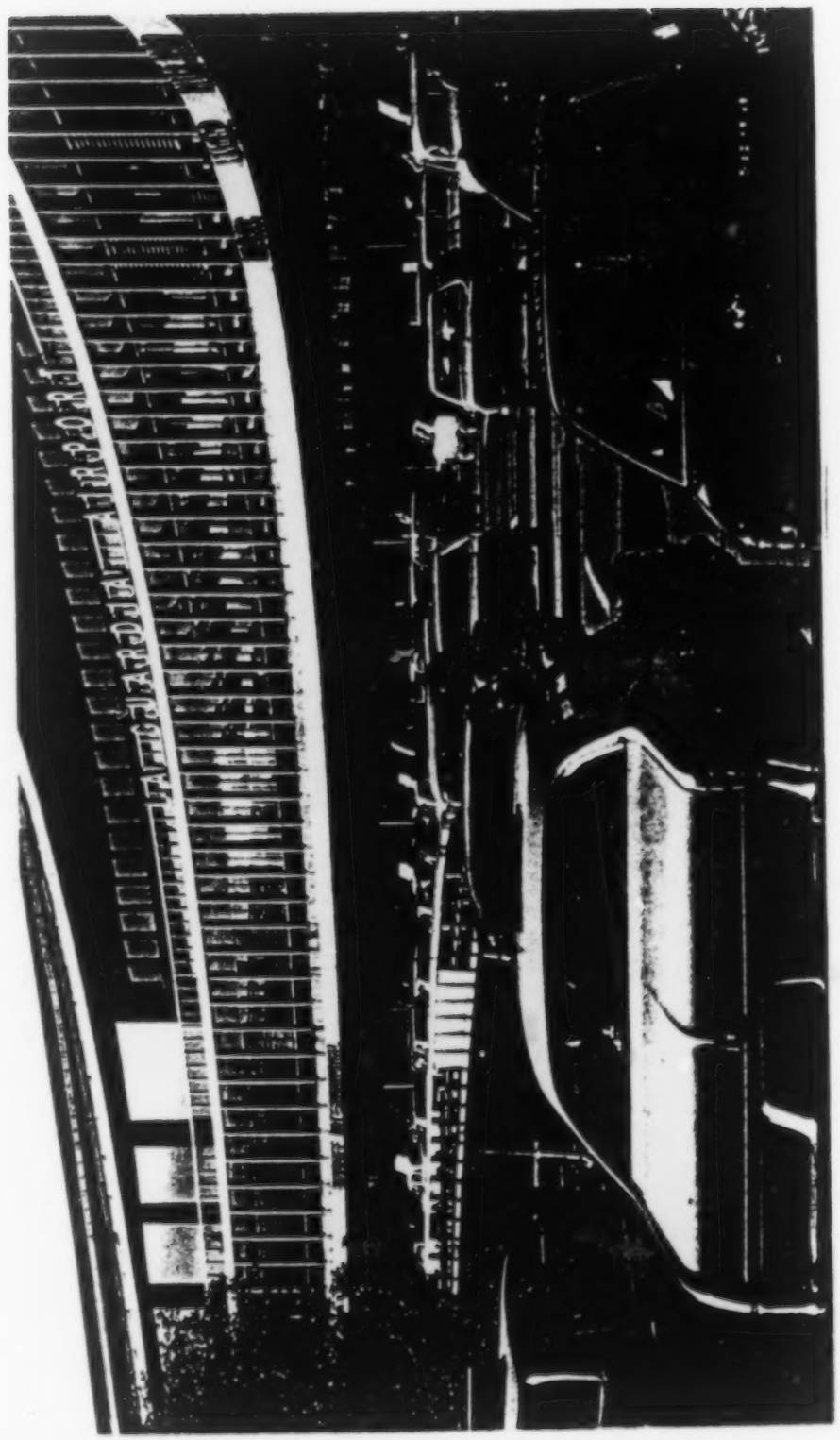
Already in operation is a new automated baggage conveyor system that dramatically improves the transfer of luggage between overseas and connecting domestic flights. The Immigration passenger processing areas are being expanded for greater efficiency and improved passenger flow. New Customs counters and lighting, better signs, additional restrooms and more escalators, are all designed to speed up processing for passengers at the International Arrivals Building.

In the summer, a new bus station connecting to the JFK Express train station at Howard Beach opened to travelers. The new station replaces a provisional facility that previously had served passengers who connected to the airport.

To complement the upgrading of terminal and transportation services, staff advanced with plans to maximize the airport's runway and taxiway capacity. Since airside capacity will be a key element in determining the future of Kennedy International, plans are focusing on ways to increase the flexible use of runways and taxiways and help to maintain Kennedy as the Nation's premier international airport.

The Future of LaGuardia Airport

Due to its proximity to Manhattan and wide choice of domestic flights, LaGuardia Airport is popular, especially with business fliers. In 1986, LaGuardia's compact site handled more than 22 million passengers. Current projections are for 30 million passengers by 1995-2000 – a 40 percent increase in passenger traffic. To accommodate this projected increase, the Port Authority plans to



Central Terminal at LaGuardia Airport.

At LaGuardia are 125 Apple Aides – volunteer senior citizens from the local area – who provide travelers with airport information.

improve the capacity, and efficiency of the airport through an ambitious modernization and development program.

Major components of the $300-plus million capital plan for LaGuardia Airport include reconstruction of the Central Terminal Building (CTB); construction of a new passenger terminal at the airport's east end; and a major roadway improvement program.

During 1986, work continued on the rearrangement of interior space on both the first floor Arrivals level and the second floor Departures level of the CTB. The current, highly compartmentalized terminal building layout is being opened up to create a more homogeneous terminal that will provide more space for passenger circulation and amenities.

Another important part of the plans for the Central terminal Area is provision of a direct entrance to the Parking Garage from 94th Street. This would eliminate the need for circling the Garage in order to enter, and thereby reduce traffic in front of the CTB. Construction for this segment of the plan will start in 1987.

On the Arrivals level of the CTB, the terminal's streetside window wall will be moved out by more than 20 feet along the entire length of the building, to provide additional space for patron circulation, ground transportation services and baggage claim areas. On the Departures level, work includes widening the roadways by at least an additional lane to reduce congestion in front of the CTB. Construction on both these projects is scheduled to start by 1989.

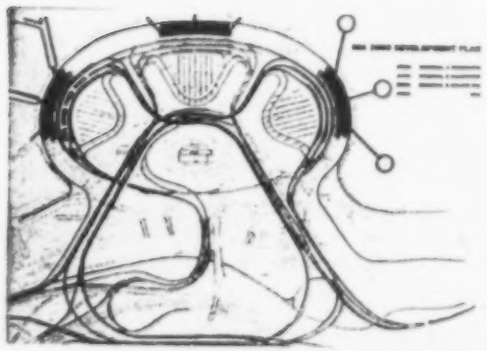
The new East End Terminal, to be used by one or more airlines, would be built adjoining the Eastern Airlines Shuttle Terminal. The terminal would consist of approximately 250,000 square feet of space on two levels and include all patron services facilities. Its construction, scheduled to start in 1990, should help to balance passenger traffic between the Central Terminal area and the East End area, and will be a key element in enabling the airport to comfortably handle projected increases in passenger demand.

Construction of a new East End Passenger Terminal will be complemented with a roadway program that will reconfigure and expand on-airport roads, while providing new access to LaGuardia's East End area with construction of new, off-airport roadway connections.

Starting in 1987, the airport East End roadways will be realigned and expanded to provided more efficient service to travelers. To improve airport access to the East End, off-airport road work will commence in 1990. Construction of ramps will tie in the 102nd Street Bridge as an exit and entrance to the airport. In addition, a new flyover roadway east-bound from the Grand Central Parkway to the East End Terminals (Delta Airlines, Eastern Airlines Shuttle and the planned East End Terminal), will allow the total separation of Central Terminal area and East End vehicle traffic and ease congestion on the Grand Central Parkway.

Late in 1986, air service at LaGuardia was augmented with the inauguration of Pan American's shuttle flights to Boston and Washington from a new wing of the Marine Air Terminal. (New York Air had previously provided the

Conceptual approach to Newark Airport development.
Construction at Newark's Terminal C.



same service from the Central Terminal.) Built by Pan Am on an expedited basis in early fall, the new terminal building includes four new gates and 40,000 square feet for patron services. Pan Am also provides shuttle passengers at its terminal with a courtesy bus that provides connections to the other terminals at LaGuardia.

The Future of Newark International Airport

Nineteen eighty-six was another banner year for Newark International Airport in passenger and cargo traffic. It was also a year in which Newark surpassed Kennedy Airport to become the region's busiest airport in the total number of passengers handled.

Passenger growth is expected to surge by fifty percent by the year 2000, and the Port Authority has developed a program of major improvements to enable these increasing passenger volumes to be served with quality and comfort.

The centerpiece of the Port Authority's program is an ambitious capital redevelopment plan to improve Newark International Airport, known as NIA 2000. The NIA 2000 plan reconfigures the airport's roadways, parking lots and terminal frontages to provide an optimum balance between airside development and landside access, providing for maximum flexibility and expansion to accommodate future operational needs.

The major elements of the NIA 2000 plan include modifications to the airport's main entrance and exit roadways; reconstruction of the roadways in the Central Terminal Area, serving each individual terminal; and a

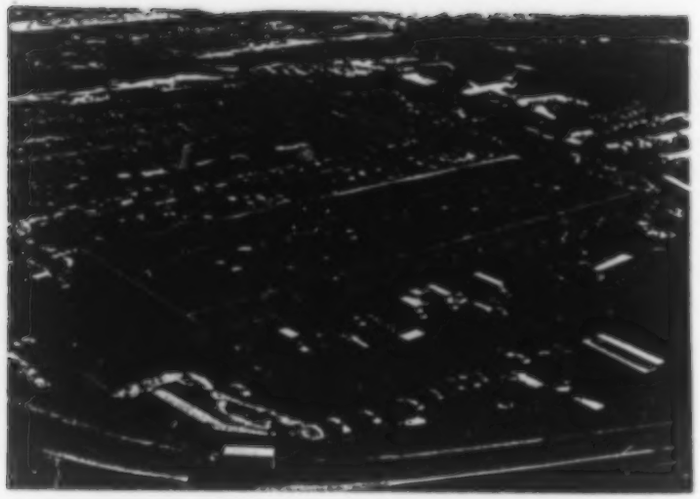
people mover system to enhance the level of service between Terminals A, B, and C and the existing long term parking lots. The people mover will also be capable of connection with off-airport transit systems in place or under study.

Other elements of the redevelopment program include dualization of roadways in front of each terminal, with priority in accommodating high occupancy vehicles; and construction of structural parking within the CTA, with direct access to and from the terminal frontages.

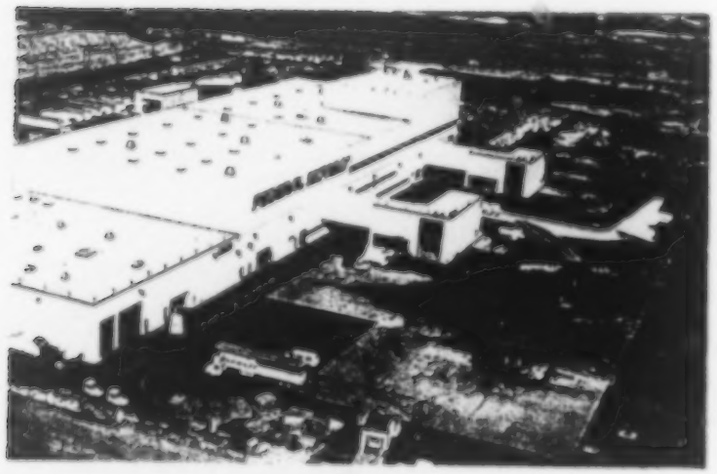
While not part of the NIA 2000 plan, a principal project currently underway is the construction of Terminal C, the completion of which will contribute 42 new gates and 850,000 additional square feet of space for expanded service. At year end, more than two-thirds of the project's construction had been completed, and we expect the terminal to be operational in 1987.

As an interim improvement measure, construction started on an additional lane to the existing express road, which will facilitate vehicular access to and egress from Terminals A, B and C. Construction is scheduled for completion in 1987. Modifications are also planned to provide public access to the new terminal's parking level frontage.

Work began in 1986 to reduce roadway congestion, especially in front of the terminals, including construction of a ground transportation stack area for taxis and limousines. Additionally, completion of Parking Lot F this fall will provide 3,000 more long-term parking spaces, bringing the airport's total parking capacity to 23,000 cars. In other work at Newark International, we initiated a new precashiering system that saves time for parking patrons by



At Newark, Federal Express opened its new Metroplex while the Port Authority opened a new cargo terminal.



allowing pre-payment in the terminals for cars parked less than 24 hours. Existing delays for those parked on a hourly and daily basis were also reduced with the construction of three additional toll lanes in the Central Terminal Area. Further improvements are planned for 1987 with the construction of six additional toll lanes in the CTA.

Newark International is fast becoming a major terminus for the small package carrier industry, a fact borne out by construction undertaken at the airport during 1986. Two new cargo terminals were completed, one by the Port Authority, a 50,000 square foot warehouse and office building, the other the regional headquarters for Federal Express., A third terminal is now being constructed by United Parcel Service on an expedited basis, and is expected to be completed in the spring of 1987. Last year, we also began planning to establish a centralized cargo examination facility at Newark to expedite the clearance of international cargo.

Overleaf: Terminal C will provide 42 new gates and 850,000 square feet of space for expanded service when completed in 1987.

The Future of Air Cargo

As air cargo continued its growth in 1986, the Port Authority moved ahead with a five year program of capital improvements at all three airports. This 100 million dollar program in 1986 has already produced new

cargo terminals at Newark and construction of additional cargo terminals at Kennedy.

Last year was also a period in which great strides were made advancing Air Cargo Fast Flow, the Port Authority's computerized inventory control and clearance system. Finally, the Port Authority opened two buildings at Kennedy International which marked a first for U.S. airports – the first international clearance center for air couriers and the first central cargo examination facility.

The combination of these capital and service improvements will increase the cargo handling capabilities of the three airport systems, and enable Kennedy, Newark and LaGuardia to efficiently process the more than three million tons of cargo expected per year by the end of the next decade.

Kennedy International, already the world's biggest and busiest cargo airport, is forecast to more than double its present cargo volume by the year 2000. To provide the airport with the most modern facilities and services to process these increasing cargo volumes, the Port Authority began a major building program in the airport's North Cargo Area in the spring with groundbreaking for a $20 million cargo terminal complex. The two new terminals are being built by King Interests, the nation's largest third-party air cargo developer, which will also operate and sublease the facilities. The first building of 175,000 square feet has already been leased and is expected to open this year. The second facility of 200,000 square feet is scheduled for completion in 1988. When both facilities become operational, they will be able to accommodate four Boeing 747 freighters.

The airport's North Cargo Area will be host to a second facility scheduled to start construction in 1987. The $13 million Halmar Equities building will be located adjacent to Springfield Gardens for freight forwarders, agents and brokers who do not require ramp facilities. The 200,000 square foot project combines requirements for both cargo processing and office space. It will consist of 100,000 square feet of warehouse space on the ground floor, with 41 truck docks, and 100,000 square feet of office space on the second floor.

Other initiatives at Kennedy International included a new international clearance center for 18 air couriers, which handle half the air courier traffic at Kennedy. (The remaining half is handled by DHL, which opened its own clearance facility at Kennedy in 1985.) The facility, located in Building 81, is now clearing between 750 and 800 bags of small packages per week. Its operation not only relieves congestion in the passenger areas, but expedites clearance for the air couriers and allows passengers to benefit from the shorter federal inspection lines and less congested roadways in the Central Terminal area.

In another effort at consolidating U.S. Customs inspection and clearance at the airport, the Port Authority and U.S. Customs opened a central cargo examination facility at JFK in the autumn U.S. Customs will release all cargo formerly cleared at numerous container stations located around JFK by selectively inspecting only high risk cargo at the control site. It is estimated that one-third of the 1.1 million tons of cargo handled at JFK will be processed at this 24,000 square foot facility in Building 88. Its successful operation will enable more container stations to be

licensed without an increase in Customs staff, as inspectors will not have to be assigned to the individual stations. The resulting efficiencies should attract more business for Kennedy, now and in the years to come.

ACCEPT, a joint Port Authority and U.S. Customs cargo automation program for the NY/NJ region, is in operation at 7 cargo terminals at Kennedy International, which together account for 50 percent of the airport's cargo capacity. Use of ACCEPT has reduced the number of inspections performed by U.S. Customs by nearly 70 percent by enabling the assessment of shipments as either high risk or low risk. This program is scheduled to be replaced this spring by the risk assessment component of U.S. Customs' Automated Commercial System (ACS), allowing for speedier cargo clearance for the entire import community.

Among the more significant changes in the regional air cargo market was the transformation of Newark International Airport into a major player in cargo handling. For the ten year period ending in 1985, air cargo volume at Newark International has grown from 112,000 to 274,000 tons. Last year, the airport handled almost 300,000 tons of cargo. The Port Authority estimates that by the year 2000, the airport's air cargo activity will nearly triple.

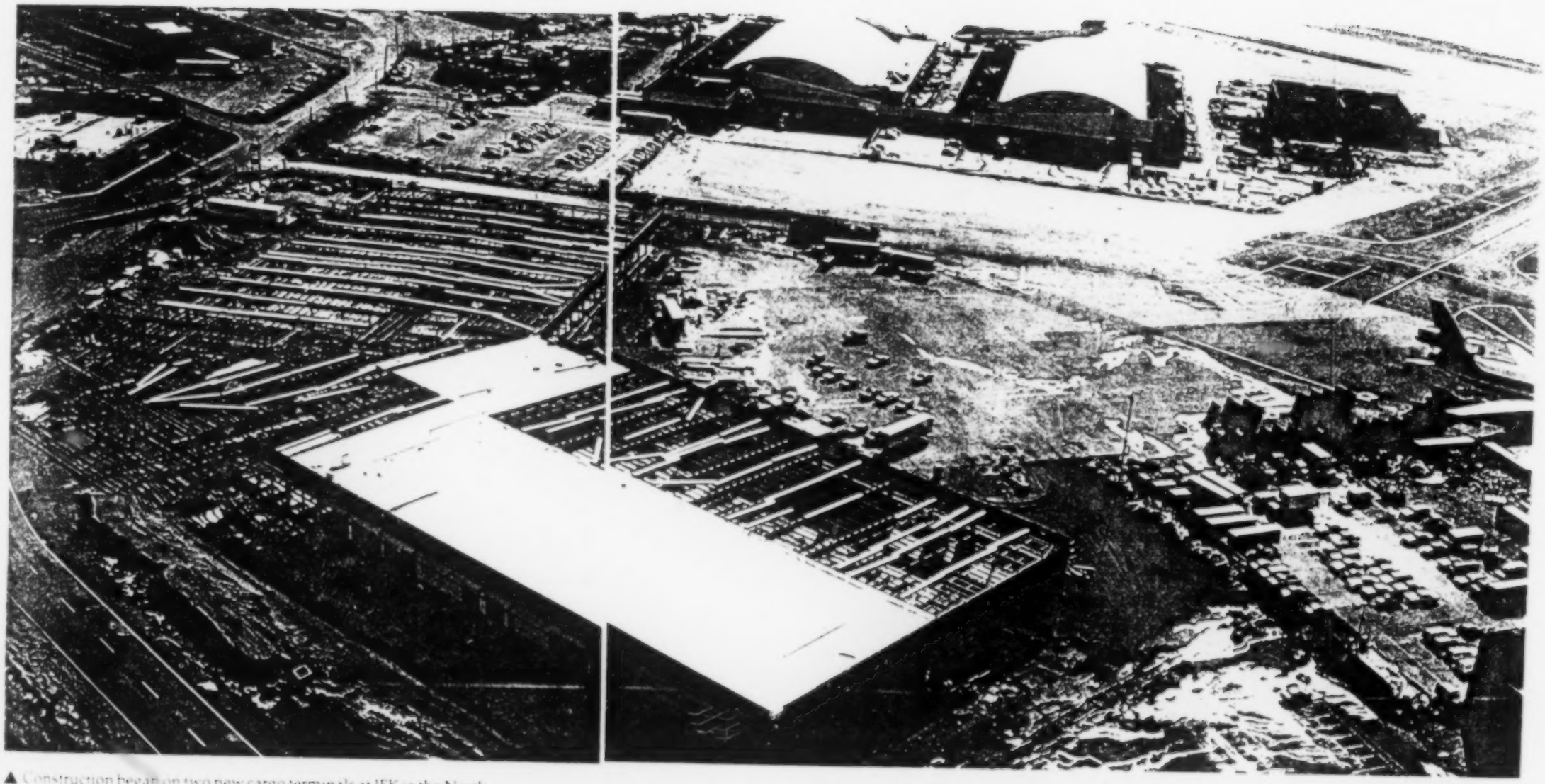
One of the major reasons for this resurgence is the phenomenal growth of the overnight small package delivery industry. Newark's early concentration on this aspect of air cargo service, as well as its easy access to and from the heart of the New York/New Jersey Metropolitan area, has made it the overnight small package and document center for the northeast United States.

Anticipating the importance of expanded and technologically advanced facilities to serve this market, Federal Express embarked upon the development of a huge and modern facility – the $53 million Metroplex Hub. The Metroplex, a regional sorting center for the northeast United States, is the first major facility outside the Federal Express headquarters in Memphis to be built on an airport.

The Metroplex, which opened early in 1986, houses a state-of-the-art document sorting center capable of handling 18,000 packages and documents per hour. Also new at the Metroplex are electronic transmission facilities and Federal Express offices, including substantial ramp and parking space for aircraft and container transport vehicles. All this has doubled the capacity of Federal Express to service its stations in 20 cities located throughout the region.

In another boost to the air cargo industry at Newark International, United Parcel Service leased 28 acres at the airport on which to construct and operate a major parcel distribution facility, expected to open this spring. The company's aircraft movements at Newark are expected to continue to grow from an estimated 1,550 movements in 1986 to some 1,800 by 1990.

Also significant was the mid-year opening of a cargo terminal constructed on the airport by the Port Authority. Now occupied by Virgin Atlantic, Continental and Summit Airlines, together occupying 50,000 square feet, the new facility is located within the cargo complex on the north side of the airport.



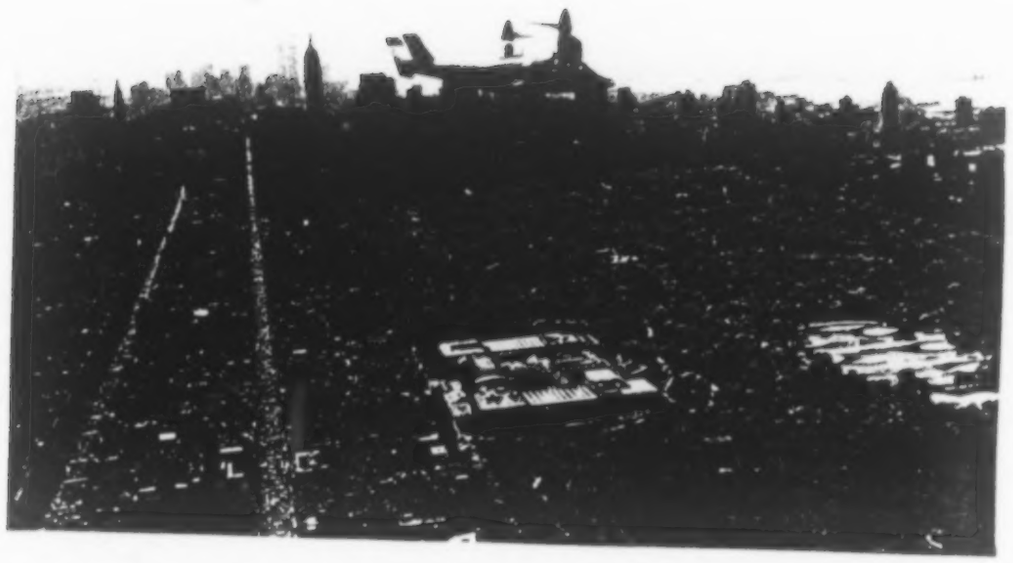
▲ Construction began on two new cargo terminals at JFK in the North Cargo Area

To enhance the efficiency of LaGuardia's capacity to handle current cargo operations, in late 1986 an operator began converting 35,000 square feet of hanger space into a cargo handling facility. Work included installation of truck docks; storage areas and refrigeration facilities for airlines already operating at LaGuardia.

Tying together the entire Port Authority Air Cargo Center will be Air Cargo Fast Flow. In June 1986, the Port Authority signed a contract with Arthur Anderson and Company to design and develop a state-of-the-art inventory control and clearance system for cargo, and to operate and maintain it for two years. When the system becomes operational this autumn, it will significantly reduce the time for processing of cargo within the region by allowing for real time communication between carriers, container stations and customhouse brokers, and by establishing an interface with ACS of U.S. Customs. ACFF is designed to allow for the creation of a paperless air cargo documentation process with more expeditious clearance. It will also enable electronic filing of entry declarations from brokers' offices, even while the shipment is en route.

By the end of 1986, the detailed functional design of the ACFF system had been completed and system programming had been initiated. When operational, Air Cargo Fast Flow promises to benefit everyone – importer, exporter and airline, Customs and customhouse broker, terminal operator and even the surface transport operators, who will now be able to achieve faster turn-around times for their trucks.

A vertical-takeoff-and landing (VTOL) aircraft in demonstration flight over New York.



The Future of Heliports

Helicopters will play a central role in the future of transportation in the New York/New Jersey region. A new heliport for Kennedy Airport will be an important feature of the master plan for rebuilding JFK. Another example of the Port Authority's commitment to helicopter service is the reconstruction and expansion of the Downtown Manhattan Heliport, now in progress.

When completed in the spring of 1987, the Wall Street Heliport will be one of the country's most modern heliports. The old Wall Street Heliport was closed in 1983 for complete reconstruction of the pier on which it was situated. Operations were temporarily relocated to the World Trade Center/Battery Park City Heliport.

The new heliport will have triple the parking area of the old one and be able to handle helicopters weighing 50,000 pounds. By contrast, the weight limit at the old heliport was 10,000 pounds. Further the new heliport is expected to handle additional scheduled flights to the airports, Philadelphia and to Atlantic City, New Jersey.

The project has been selected by the Federal Aviation Administration as one of four sites in the nation for a National All-Weather Demonstration Heliport that will equip the facility with state-of-the-art electronic and visual landing aids. The program will also formulate procedures for landing in poor weather that may eventually be applied to other heliports around the nation.

Work also progressed in 1986 on a Port Authority study investigating the potential of vertical takeoff and landing

(VTOL) aircraft as a means of alleviating airport congestion while increasing air transportation capacity at Kennedy, Newark and LaGuardia Airports. The use of VTOL aircraft promises to create totally new short-haul air transportation systems in the region, operating from city center to city center. This short haul market is estimated to be as much as 30 percent of the total at some air hubs.

Reconstruction of the Wall Street Heliport will triple its capacity when completed in 1987.

The particular type of VTOL aircraft being studied is commonly referred to as "tilt rotor." The aircraft combines the wings of an airplane with the rotors of the helicopter, an advanced design that is fuel-efficient, yet offers twice the speed and range of a helicopter. Consequently, it allows the craft to take off and land like a helicopter yet operate as a conventional fixed-wing aircraft in flight.

As part of the study, the Port Authority will investigate the viability of other types of aircraft as well as the cost

economics of aircraft, potential markets and carriers, regulatory controls and possible site locations for airports to serve VTOL aircraft. This effort, which is being coordinated with VTOL studies being conducted by NASA and the FAA, is to be completed this spring.

As part of this effort, the Port Authority cosponsored with the FAA a Civil Rotorcraft Forum early in 1986. Prominent leaders in industry and government attended the conference in order to assess the potential of tilt-rotor aircraft in creating a new major segment of the public air transportation system.

Airports and the Communities

The Port Authority continued in 1986 to be actively involved in issues affecting the bi-state region, as our community relations programs touched a wide audience with a broad range of activities. From employment to environment, from noise abatement to education, we are involved in a variety of programs to improve the quality of life in the New York/New Jersey region.

Efforts to alleviate the problem of flight delays made dramatic progress in 1986, as we worked with the airlines and the Federal Aviation Administration on a plan to restructure and expand the air space assigned to the three airports.

Late in 1986, the FAA implemented a preliminary phase of the plan at Newark International Airport. The next stage will be the restructuring of airspace along the East Coast this February. This expansion scheme will assign more departure routes to Newark, while redistributing

other air routes between Kennedy and LaGuardia. The FAA's Expanded East Coast Plan will offer parallel and alternate paths for aircraft now bottlenecked by single-route systems, and is expected to alleviate airport delays and improve safety.

In 1986, we initiated development of a Flight Track Monitoring System in cooperation with the FAA. Using radar information, the Port Authority will be able to monitor aircraft adherence to prescribed flight paths in an effort to reduce noise from flights straying over residential areas.

In the same spirit of achieving safer and quieter airport operations, the Port Authority is working closely with community groups and an outside consultant on assessing the design of a noise abatement wall, to be located along the western edge of LaGuardia Airport. This would reduce noise levels from both aircraft and ground operations.

A significant event in 1986 was the more "Stage 3" aircraft, employing new technology for quieter operation, began operating out of the three airports. This trend is expected to continue, as the major air carriers continue to upgrade their fleets with purchases of the latest aircraft models. The increased use of quieter widebody aircraft, which will carry more people per plane than in the past, leads the Port Authority to forecast lower noise levels despite the growth in passengers. At the same time, we are urging the federal government to establish a timetable for phasing out Stage 2 airplanes – aircraft that meet present noise standards but remain the root of the noise problem.

We also continued with our School Soundproofing Program during 1986. At present, 17 schools in New York and New Jersey, affected by noise from aircraft operations, are slated from soundproofing work at a cost of $17 million. This extensive noise abatement program is being carried out with the support of the Federal Aviation Administration through Airport Improvement Grants.

Port Authority tour guide accompanies community school children on airport visit.

Other efforts in the area of environmental protection continued to move forward during the year. The Port Authority continued its long-term environmental protection program at the three airports in order to minimize the impact of airport operations on the surrounding communities. Among these activities, we continue to bring together the Flushing Bay Task Force, made up of representatives from New York State, New York City, borough

agencies and community boards, to monitor projects and activities affecting Flushing Bay. Similarly, we have participated with various agencies and community boards near JFK in a Jamaica Bay Task Force.

Career opportunities were promoted by the Port Authority during 1986 with Career Days and Mentoring programs at the airports.

As the metropolitan area airports continue to be developed each year to keep up with rising demand, new employment opportunities are continually created. Some 65,000 people earned their livelihood at our three airports in 1986; more than 225,000 other jobs are generated in our region by the aviation industry and other businesses serving it.

To make sure that a fair share of newly generated jobs go to minority group members, the Port Authority participates with the airline industry in funding the council for Airport Opportunity (CAO), an organization that advances minority participation in the regional aviation industry. In 1986, the CAO placed more than 700 individuals in aviation related positions, and the aviation industry's continuing growth, along with our extensive aviation capital program, should dramatically increase career opportunities in aviation for residents of the bi-state region.

Another program aimed at stimulating the local economy is the Airport Services Development Office, which began operations in 1984 in Queens County. The purpose of the Office is to encourage the airlines and other airport tenants to patronize local businesses. The success of the Queens program led us to decision to fund the program for three more years, and to allocate funds to establish a similar program for the tri-county area surrounding Newark International.

In the areas of education and career development, we continue to sponsor Aviation Career Day programs both in Newark and in Queens, and conduct tour programs for student groups at the three airports. In addition, we continued to cosponsor with the FAA and local aviation organizations a three-year program on aviation career awareness, for students from kindergarten through the ninth grade. As a result, more than 2,400 students completed programs in aviation studies during 1986. The program, initiated at the request of Queens Community School District 27, is conducted at JFK.

Other educational efforts include a Career Bridges program at Newark International Airport and a "mentoring" program conducted by LaGuardia staff. At LaGuardia Airport, we also participate in the City-as-School Executive Internship Program, in which high school students are provided the opportunity to gain experience and on-the-job education about the world of aviation.

Considerable progress was also made during the year in upgrading security at all three airports. Efforts included increased inspection of facilities, equipment improvements and a new identification program. The Port Authority also worked with the airlines and other tenants, as well as law enforcement agencies such as the Drug Enforcement Agency, in special programs directed against solicitation and drug activities.

THE PORT AUTHORITY OF NY & NJ

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Port Authority Aviation Facilities

John F. Kennedy International Airport
LaGuardia Airport
Newark International Airport
Teterboro Airport
Downtown Manhattan Heliport
West 30th Street Heliport

Text: Gary Goldstein
Design: Mano Trombetta
Photography: Jerry Rosen, Randolph Waterman
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Cover: Mano Trombetta

THE PORT AUTHORITY OF NY & NJ

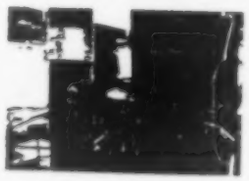


EXHIBIT 6

NEWS

THE PORT AUTHORITY OF NY & NJ

38-87 FOR IMMEDIATE RELEASE
March 12, 1987

The Board of Commissioners of the Port Authority of New York and New Jersey today took initial action to help finance a $5.8 billion, five-year capital program. The plan provides for improved interstate transportation connections, major improvements in the region's airport system, modernization of port commerce facilities and other developments supporting the region's continued economic growth.

Highlights of the program include:

. . . completion of the PATH rail system's rehabilitation and expansion program;

. . . a new passenger ferry service between Hoboken and lower Manhattan;

. . . rehabilitation of six major bridge and tunnel facilities;

. . . deeper channels and improved marine terminal facilities; and

. . . new "people-mover" systems at John F. Kennedy and Newark International Airports and other improvements at LaGuardia Airport to expand the capacity of the region's three major airports to handle forecast increases in patronage to the Year 2000.

Chairman Philip Kaltenbacher noted that, "In concert with the Governors, the Port Authority has put forward a

comprehensive investment plan that meets the region's growing needs for moving people and goods between the states and maintains the transportation and commercial facilities essential to the region's future economic health."

Chairman Kaltenbacher continued, "These investments will promote mobility within the metropolitan area and will help protect its pre-eminent role as American's aviation gateway, maritime-port, and national and international center of business and finance. They will be funded by the Authority on a self-supporting basis, without taxpayer subsidy."

"Key to the implementation of this program are the actions also taken today, pending public hearings, to adjust tolls and fares on the Port Authority's interstate transportation network of vehicular crossings and transit facilities," the chairman said. "The increased revenues would bring this network – now operating at a deficit – closer to levels approaching its own operating and capital needs over the next five years. With these facilities carrying more of their own weight, current and projected income levels from the agency's other facilities, with some expected adjustments, would be capable of supporting the balance of this ambitious and much needed capital program."

The capital program anticipates commitments totaling approximately $5.8 billion from 1987 through 1991, of which approximately $4 billion actually would be expended during this period. Additional spending beyond the five-year planning period would be needed to compete the Kennedy and Newark Airport initiatives.

The $5.8 billion figure includes $2.4 billion for aviation facilities, $1.5 billion on the interstate transportation network, approximately $500 million for port commerce projects, and about $650 million in other regional development projects. Approximately $400 million is allocated for other anticipated capital initiatives and rehabilitation needs on an agencywide basis for the five-year period.

The remaining $350 million includes the balance of the regional development projects agreed to by the two Governors in June 1983, the balance of the funds committed for the Port Authority's bi-state bus programs, and a provision for emergency repairs to Port Authority facilities.

The Port Authority operates six bridges and tunnels connecting New York and New Jersey; the PATH interstate rail rapid transit system; two Manhattan bus terminals; the three major regional airports, a general aviation facility at Teterboro and two heliports; port commerce facilities at Port Newark and Elizabeth in New Jersey, and marine terminals at Howland Hook on Staten Island and two sites in Brooklyn; and the World Trade Center.

Facilities under development include the Teleport on Staten Island; the Newark Legal and Communications Center; and industrial parks in the Bronx, Yonkers, Elizabeth and Newark. Other announced projects include a resource-recovery plant serving Essex County in Newark and waterfront development projects in Hoboken and Queens.

Port Authority Executive Director Stephen Berger explained: "The proposed investments are required because of the growing demand on our aviation and

vehicular and transit services, and the imperative of maintaining safe and efficient operations on many aging transportation facilities. We have an obligation to support the region's improved economic performance through our traditional transportation functions and our job-creating investments in distressed communities in both states. This is a strategic agenda for an economically integrated region."

Highlights of the Port Authority Capital program by basic business area follow.

Interstate Transportation Network

The Port Authority has recommended a regional strategy of improving and expanding trans-Hudson public transit services as the only practical solution to worsening vehicular congestion and transit system crowding as economic growth has spurred rush-hour demand. Working in cooperation with other transportation agencies in both states, the Port Authority plans to undertake major capital investments to accomplish this goal.

Specifically, the program provides funds necessary for the completion of the comprehensive PATH transit system rehabilitation and capacity expansion program initiated in 1983. This effort, already well underway, includes replacement or renewal of the entire PATH car fleet, longer trains on the Newark-to-World Trade Center and Journal Square-to-33rd Street lines, and modernization of key components and stations in the 79-year-old interstate rail system. An estimated 760 million is allocated for these purposes in the five-year program, in addition to the $165 million expended since June 1983.

Even with these extensive improvements in PATH's equipment and service, the expected continuation of 3 percent yearly growth in trans-Hudson commutation points toward a shortfall of transit capacity in the lower Manhattan market by the end of the decade. Anticipated waterfront development in Hudson County also will increase peak-period demand for PATH service.

To meet this challenge, the Port Authority has developed with New Jersey transportation agencies an integrated plan to add substantial and flexible transit capacity that can meet forecast demand in this market through the early years of the next century. The plan includes a new passenger ferry service connecting Hoboken and lower Manhattan; further investment in PATH's Newark-World Trade Center line to accommodate 9-car and eventually 10-car trains in peak periods; and implementation by New Jersey Transit of the "Reverse-Kearny-Connection" project – which will enable some NJT commuter trains now terminating at Newark to travel on to the commuter rail hub at Hoboken.

The ferry plan calls for a fleet of modern vessels capable of carrying 4,500 passengers per hour during the peak period between the existing ferry terminal in Hoboken and a new landing site and terminal to be developed at Battery Park City in Lower Manhattan. The capital program allocates approximately $150 million for this initiative. The potential for private-sector involvement in the ferry operation will be evaluated as development of the system proceeds.

The PATH expanded service plan builds on the existing plan to extend peak-period trains on the Newark-

World Trade Center line from 7 to 8 cars in 1988. The five-year program provides $70 million to extend station platforms to accommodate trains up to 10 cars in length and to purchase sufficient additional cars to run 9-car trains on this line within the five-year planning period, if demand warrants.

Meeting peak-period demand in the midtown trans-Hudson market poses more complex problems because of the larger number of facilities and services in this sector. Present concerns focus on the Lincoln Tunnel Exclusive Bus Lane system, which carries almost 65,000 commuters every morning – more than any other component of the interstate network. The Port Authority capital program provides approximately $25 million to help finance development in New Jersey of a Hudson Busway, a second exclusive bus approach to the Lincoln Tunnel.

The Port Authority is also engaged in joint study with agencies in both states of additional projects and service improvements for the midtown Manhattan market. In furtherance of this objective, the Port Authority capital plan includes approximately $25 million for traffic distribution improvements in Manhattan's Central Business District to help alleviate commuter congestion problems.

The capital program also provides $445 million in capital investment for the agency's tunnels and bridges, the Midtown Bus Terminal, and related facilities. This spending is aimed at maintaining the structural integrity of these facilities and improving their operating efficiency. For the five-year period, the plan anticipates capital commitments of $115 million at the Holland Tunnel,

$140 million at the Lincoln Tunnel, $55 million at the George Washington Bridge, $55 million at the Port Authority Bus Terminal, and $65 million on the Staten Island Bridges System.

Annual traffic growth on the Port Authority's three bridges linking Staten Island with New Jersey is now outpacing growth on the trans-Hudson crossings, and the Port Authority in 1985 announced plans to assess future needs on this system, which connects two of the region's most rapidly growing areas. The plan provides for up to $20 million of the capital program allocation for the Staten Island Bridges to be committed for start-up costs associated with a possible capacity expansion, subject to further analysis and consultation with transportation agencies in both states.

Aviation

The aviation capital program reflects the need to improve passenger circulation systems and other services at the region's three major airports to improve upon present levels of service and to accommodate projected growth in passenger demand to at least the year 2000. The plan estimates the commitment of $2.4 billion at these facilities over the next five years, with additional spending needed to complete these improvements in the 1990's.

JFK 2000 is an integrated project plan that will reconfigure the airport's central terminal area, addressing the circulation and service problems now evident at the airport, and enabling JFK to accommodate demand expected to increase to 40-45 million passengers per year by the

end of the century. In 1986, JFK handled 27.2 million passengers.

The project includes expansion of the International Arrivals Building and Federal Inspection (Customs) Hall, an automated baggage-handling system, a "people mover" rail system linking terminals to a new central transportation hub, a reconfigured roadway system, a new control tower for the Federal Aviation Agency, and other improvements. The Port Authority anticipates a commitment by 1991 of $900 million for this project. Total project cost is now estimated at $2.7 billion.

Passenger demand at Newark International Airport is expected to grow on the same scale as at JFK, and the NIA 2000 plan provides for circulation and landside access improvements, including new roadways, structural parking facilities and a "people-mover system" for improved on-airport circulation. The airport's widely dispersed market will be accommodated by development of satellite "park and fly" terminals, and a future connection of the "people-mover system" to possible new transit service linking Newark and Elizabeth. Approximately $650 million is expected to be committed for NIA 2000 by 1991. Total project cost now is estimated to be $1.35 billion.

The aviation capital plan also provides $200 million for projects at LaGuardia Airport that are designed to accommodate expected increases in passenger demand. Construction of a new passenger terminal and highway access improvements at the east end of the airport will create two separate terminal areas, one at the existing Central Terminal complex and another at the airport's

east end, with each capable of handling 15 million passengers yearly.

In addition to these major capital improvement projects, the plan allocates funds for a variety of improvements to Port Authority aviation facilities. At Kennedy, $330 million is earmarked for improvements aimed at easing congestion on roadway approaches and improving on-airport cargo facilities. An estimated $210 million will be used to complete Terminal C at Newark Airport and construct new maintenance facilities. Modernization of passenger and parking facilities and improvements to airside facilities at LaGuardia will cost an estimated $120 million.

Port Commerce

The agency has earmarked $250 million in the capital plan for improvements at Port Newark and Elizabeth, which include establishment at Port Newark of a gypsum processing plant, a second juice processing facility, and the building of cargo distribution buildings at Elizabeth to accommodate added cargo carried by larger containerships. The agency has allotted $110 million, of which $20 million has already been spent, to help finance renovation of the Howland Hook Marine Terminal on Staten Island.

The Port Authority anticipates an initial capital outlay of about $60 million for essential channel deepening in Newark Bay, the Kill van Kull and Arthur Kill, which will help finance dredging of channels and berths serving Port Newark/Elizabeth and Howland Hook on Staten Island from 35-foot to 40-foot depths. The agency undertook this commitment in a 1986 agreement with U.S.

Army Corps of Engineers, anticipating the passage of federal legislation that requires local cost sharing for channel dredging projects.

The capital plan includes $110 million for additional port projects, including continuing work at the Fishport under development in Brooklyn; support of the Oak Point Rail Link construction in the Bronx, which is designed to improve rail freight connections between upstate and downstate New York; a facility in Jersey City and Bayonne for preparation and transshipment of imported cars; and the agency's contribution to the planned US Navy Homeport on Staten Island.

World Trade

The Port Authority's capital spending plans in the area of world trade focus on efforts to improve regional telecommunications capacity and projects to support economic development in Newark. The agency has allotted $110 million between 1987 and 1991 for these efforts.

At the Teleport, the satellite communications center and office park on Staten Island, two buildings have been completed and antenna dishes for transmitting data via satellite are already operating in the facility's enclosed earth station field. A fiber-optic cable network connecting Teleport to points throughout the region has been completed.

With the City of Newark and the Newark Economic Development Corporation, work has begun on the Newark Legal and Communications Center, a facility designed for law firms with access to shared computer data banks and special legal services.

Rehabilitation projects within the World Trade Center, including fire safety projects, are also planned.

Economic Development

The agency's capital spending plans in the area of economic development target investment and the jobs it produces to inner city areas that have not fully participated in the region's overall economic recovery.

Construction continues at the Bathgate Industrial Park in The Bronx, with completion of all 12 planned blocks scheduled for 1988.

The Port Authority Industrial Park at Elizabeth has attracted its first tenants, and paving and utility work is underway on a major portion of the 125-acre site.

A new industrial park at Yonkers permits the Port Authority to emphasize economic development directly related to maintenance of its transportation system by using part of the site for manufacturing and assembling the newest PATH rail transit cars.

The agency will also establish an industrial park in the South Ward of Newark. About $75 million will be spent at the industrial parks beyond the approximately $35 million committed to them prior to 1986.

A resource recovery plant in Newark to serve Essex County will be constructed and operated by a private firm with Port Authority financing. The facility, toward which about $300 million is earmarked in the capital plan, will convert solid waste into thermal and electrical energy and sell the electricity to local utilities.

The agency continues to move forward with planning for major waterfront development projects in Hoboken and at Hunters Point, Queens.

At Hoboken, a development plan has been prepared and discussions continue with the City of Hoboken on the project timetable and operating issues.

Planning is also underway at Hunters Point, with preparation of master and alternate master plans in progress.

A total of $175 million has been allocated for waterfront development in the five-year plan, for a total in economic development projects of $550 million.

Port Authority of New York and New Jersey
Capital Program Summary
1987-1991
(in millions)

Interstate Transportation Network		
PATH !mprovement Program[1]	$760	
Hudson River Tunnels, Bridges & PABT System Improvements	380	
PATH Station Improvements and Additional Cars (Newark Service)	70	
Hoboken/Battery Park City Ferry Service	150	
Staten Island Bridge Improvements[2]	65	
Holland/Lincoln Tunnel Busway	25	
Manhattan CBD Distribution Improvements	25	
		$1,475

[1] Includes expansion to 8-car trains, Newark Service, and 7-car trains, JSTC/33rd St. Service.

[2] Includes up to $20 million for preliminary stages of possible SIB Expansion.

Aviation		
JFK 2000[3]	900	
Other JFK	330	
Newark 2000[4]	650	
Other Newark	210	
LaGuardia	320	
		2,410
Economic Development		
Waterfront Development[5]	175	
Resource Recovery	300	
Industrial Parks	75	
		550
		110
World Trade		
Port		
Newark & Elizabeth	250	
Howland Hook	90	
Dredging	60	
Other Projects	110	
		510
Allocation for Regional Development Projects		150
Allowance for Projects in Development		225
TOTAL		5,430
Balance – Bus Program		50
Balance – Bank for Regional Development		235
Provision for Emergency Repairs		70
TOTAL CAPITAL PLAN		$5,785

[3] Total Project Cost: $2.7 Billion

[4] Total Project Cost: $1.35 Billion

[5] Total Project Cost: $250 Million

EXHIBIT 7

NEWS THE PORT AUTHORITY OF NY & NJ

39-87 FOR IMMEDIATE RELEASE
March 12, 1987

John F. Kennedy International, Newark International and LaGuardia Airports served nearly 79 million air travelers in 1986. That figure is expected to increase to more than 110 million by the late 1990's. The three airports comprise the busiest and most heavily used metropolitan airport complex in the world – and will undergo the largest redevelopment program in aviation history.

Kennedy and LaGuardia Airports are currently handling double the number of passengers they were designed to handle. Newark, although virtually rebuilt in the 1970's has experienced explosive growth over the last five years and is currently the seventh busiest airport in the world in terms of passengers served. On-airport circulation and off-airport ground connections are inadequate at all three facilities. Meanwhile, competing air gateways are emerging as the airline industry changes and multi-billion dollar investments in other regions threaten this area's pre-eminence as an international air hub for the movement of both people and cargo.

That dominance is at the heart of a prodigious economic impact on this region: The aviation industry in the New York/New Jersey metropolitan area accounts for nearly 300,000 jobs, $6.2 billion in wages and salaries, $19 billion in overall economic activity, $600 million in regional taxes and 3.5 percent of the gross regional product.

"This region's air transportation services," said Port Authority Chairman Philip D. Kaltenbacher, "are critical to maintaining our role as a national and international center for business and finance. Even if they were not, the 74 percent increase in nationwide annual air travelers projected by the Federal Aviation Administration to take place by 1998 would constrain us to undertake these measures.

"The size of this industry's impact on the regional economy underscores our need to take whatever steps are necessary to facilitate the swift and convenient movement of people and the rapid, efficient handling of air cargo through our airports.

"We are now embarking on an exciting and innovative capital improvement program designed to do just that."

NEWARK INTERNATIONAL AIRPORT

Newark International Airport served 29.4 million air travelers in 1986, tripling its passenger volume in the last six years. To accommodate this trend and the projected growth to 40-45 million passengers annually at Newark by the late 1990's, the Port Authority has earmarked more than $1 billion to meet the airport's growth needs. The main elements of this program include: major restructuring of the airport's roadway system; an on-airport "people mover" system connecting Terminals A, B and C and the existing long term parking lots, and having the potential to connect with an off-airport transit system; the doubling of pick-up and drop-off capacity of roadways

serving Terminals A, B and C; and a structural parking facility in the central terminal area.

Roadway improvements will incorporate modifications to the roadways serving the entire central terminal area (CTA) to provide optimum traffic flow on-airport and greatly improve the connection between on- and off-airport roadway systems. Work will be done in a phased manner to ensure continued operation of the roadway network throughout the construction period with minimal interference of traffic flow. The roadway modification program is anticipated to begin by 1988. The configuration and capacity of structural parking facilities will be designed to complement the other elements of the redevelopment program.

In addition, a principal project currently under way and in which the Port Authority will continue to be heavily involved is the completion of Terminal C and the financing of construction of the C1 and C2 concourses and the apron aircraft fueling system. The Port Authority's role in the terminal's construction includes work on adjacent taxiways and courtyards at both ends of Terminal C. The C1 and C2 concourses will provide 41 aircraft gates for Terminal C. This new terminal, being built at an estimated cost of $175 million to $200 million, is expected to be completed by the end of 1987.

As an interim improvement measure, the provision of an additional lane to the airport's existing express road will facilitate vehicular access to and egress from Terminals A, B and C. Modifications are also planned to extend public access to the new terminal's parking level frontage.

Current efforts to reduce roadway congestion include the development of a holding area for taxis and limousines to reduce congestion in front of the terminals. The completion of Parking Lot F, already under construction, will provide 3,000 more long-term parking spaces, bringing the airport's total parking capacity to 23,000. The addition of eight new and two reversible exit lanes and the recent initiation of the pre-cashiering program allowing for pre-payment in the terminals for those parked for less than 24 hours will help reduce queuing at the CTA parking lot tolls plaza.

In the aeronautical areas, new taxiway additions and modifications will help reduce aircraft runway occupancy times and provide greater flexibility for aircraft ground movement. Other improvements include centerline lighting for Runway 11/29, an instrument landing system for Runway 11 and a new aircraft noise monitoring system. There is also provision for taxiway access and installation of related paving and utilities to the airport's United Parcel Service site and other cargo and maintenance sites at the south end of the airport.

A new maintenance facility will be constructed, providing 57,800 square feet of space to accommodate the airport's maintenance functions and a 38,800 square foot garage to house the airport's snow removal vehicles.

JOHN F. KENNEDY INTERNATIONAL AIRPORT

John F. Kennedy International Airport was conceived, designed and constructed more than a generation ago to serve what was then an extremely optimistic forecast of 15 million air passengers a year. Although the

airport's airline terminals have been expanded and airfield and roadway improvements have been made since that time, the airport is recognizably the same as it was when the International Arrivals and Wing Buildings and nine individual airline terminals, comprising the central terminal area, were completed in the early 1960's.

In 1986, Kennedy International handled more than 27.2 million air passengers, a volume that is expected to grow to 40 to 45 million by 1995-2000. More than one-third of all international air passengers arriving in the United States enter through Kennedy, making it the nation's leading air gateway.

To meet the projected demands of the next decade and into the 21st century and to provide superior levels of service for all airport patrons, both domestic and international, The Port Authority of New York and New Jersey is planning an extensive redevelopment and reconstruction program for Kennedy Airport over a ten year period that will cost approximately $3 billion. More than $1 billion of this amount is included in the present five-year capital plan. The components of this major capital program include airport access improvements, terminal expansion and the development of a new central passenger services complex.

Transportation Center

A new Transportation Center will be at the heart of the plan to redevelop the central terminal area. Its main purpose will be to handle all passengers using public transportation to or from the airport and travelers making connecting flights. Buses and limousines will no

longer make stops at each airline terminal, but will make a single stop to drop off or pick up passengers at the new Transportation Center's Arrivals and Departures level.

Other improvements will be an expanded Federal Inspection Services facility, capable of processing twice as many passengers per hour as currently handled; an automated baggage sorting system, tying each of JFK's unit terminals into a single baggage transfer system; automobile parking contained within the Transportation Center; new food and retail services near a new Meeter/Greeter Hall; and a new FAA control tower as part of the complex. Center plans incorporate provision for a chapel area to serve the spiritual needs of airport travelers and employees.

Passenger Distribution System

At the Transportation Center, a new fully automated Passenger Distribution System (PDS), or "people mover," will shuttle passengers to each airline terminal at two-minute intervals, replacing the existing on-airport bus and taxi operations, as well as providing service to those who walk between terminals. The PDS will help reduce traffic congestion and also facilitate the movement of travelers and luggage between connecting flights.

Baggage Handling System

A major element of the proposed improved passenger services at JFK is a new and efficient inter-terminal baggage service – a fully automated handling system that is expected to sharply reduce baggage transfer time.

The primary components of this system will include a central sorting facility located in the Transportation Center; a series of high speed conveyers and/or destination-coded vehicles that will replace the existing "tug and cart" method; a state-of-the-art, laser-read tag system; and a coordinated system of baggage collection and distribution between each airline terminal, the Transportation Center and the refurbished International Arrivals Building.

Redeveloped Roadway Network

An entirely redesigned roadway network, constructed in phases to minimize traffic problems, will reduce the most obvious form of airport congestion. This redeveloped roadway network will include: 1) completion of the new JFK Expressway, providing direct access to the passenger terminals from the Belt Parkway at 150th Street; 2) more direct roadway connections to the passenger terminals, replacing the existing loop road; 3) direct roadways to the Transportation Center from the Van Wyck and JFK Expressways, designed to improve access for public transportation vehicles; 4) modifications to roadways in front of each passenger terminal to reduce traffic conflicts; and 5) the completion of a new taxi holding area to provide a more efficient taxi dispatch system.

These roadway improvements will result in shorter travel distances and reduce traffic congestion and travel times for all movements within the central terminal area.

In addition to the roadway work the Port Authority is undertaking as part of the overall capital program,

work is also being performed by New York State on the new Nassau Expressway, at an estimated cost in excess of $100 million. The State's project, begun in 1983, will link the Belt Parkway at Cross Bay Boulevard with the Atlantic Beach Bridge in Nassau County.

Southwest Area Connector

Although it is not part of the improvements currently programmed, the Port Authority will examine the feasibility of constructing a passenger distribution system linking the New York City Transit Authority's JFK Express station at Howard Beach station with the central terminal area. Right-of-way provisions may also be made to allow for future consideration of a single track subway extension from the Howard Beach station to the central terminal area.

LAGUARDIA AIRPORT

Due to its proximity to Manhattan and wide choice of domestic flights, LaGuardia Airport is popular, especially with business travelers. In 1986, LaGuardia's compact site was crowded with more than 22.2 million passengers. Current projections are for 28 million passengers by 1995-2000, an almost 30 percent increase in passenger traffic. To handle this projected growth, the Port Authority will increase the capacity and ease of using the airport through an ambitious modernization and development program.

The current highly compartmentalized Central Terminal Building (CTB) layout will be opened up to create a

more homogeneous terminal that will provide more space for passenger circulation and amenities. Work has begun to expand interior space and make it more open for freer movement on both the first floor arrivals level and the second floor departures level of the CTB.

On the arrivals level, the terminal's streetside window wall will be moved out by more than 20 feet along the entire length of the building, to provide additional space for patron circulation, ground transportation services and baggage claim areas. On the departures level, work will include widening the roadways by at least an additional land to reduce congestion in front of the CTB. Construction on both these projects is scheduled to start in 1988.

Another important component of the plans for the central terminal area is provision of a direct entrance to the parking garage from the 94th street entrance, which would eliminate the need for circling the garage in order to enter, and thereby reduce traffic in front of the CTB. Construction for this segment of the plan will start in 1988.

The new east end terminal, to be used by one or more airlines, would be built adjoining the Eastern Airlines Shuttle Terminal. The new terminal would include approximately 250,000 square feet of space on two levels and incorporate all patron services facilities. Its construction, scheduled to start in 1989, should help to balance passenger traffic between the central terminal area and the east end area.

Construction of a new East End Passenger Terminal will be complemented with a roadway program that will

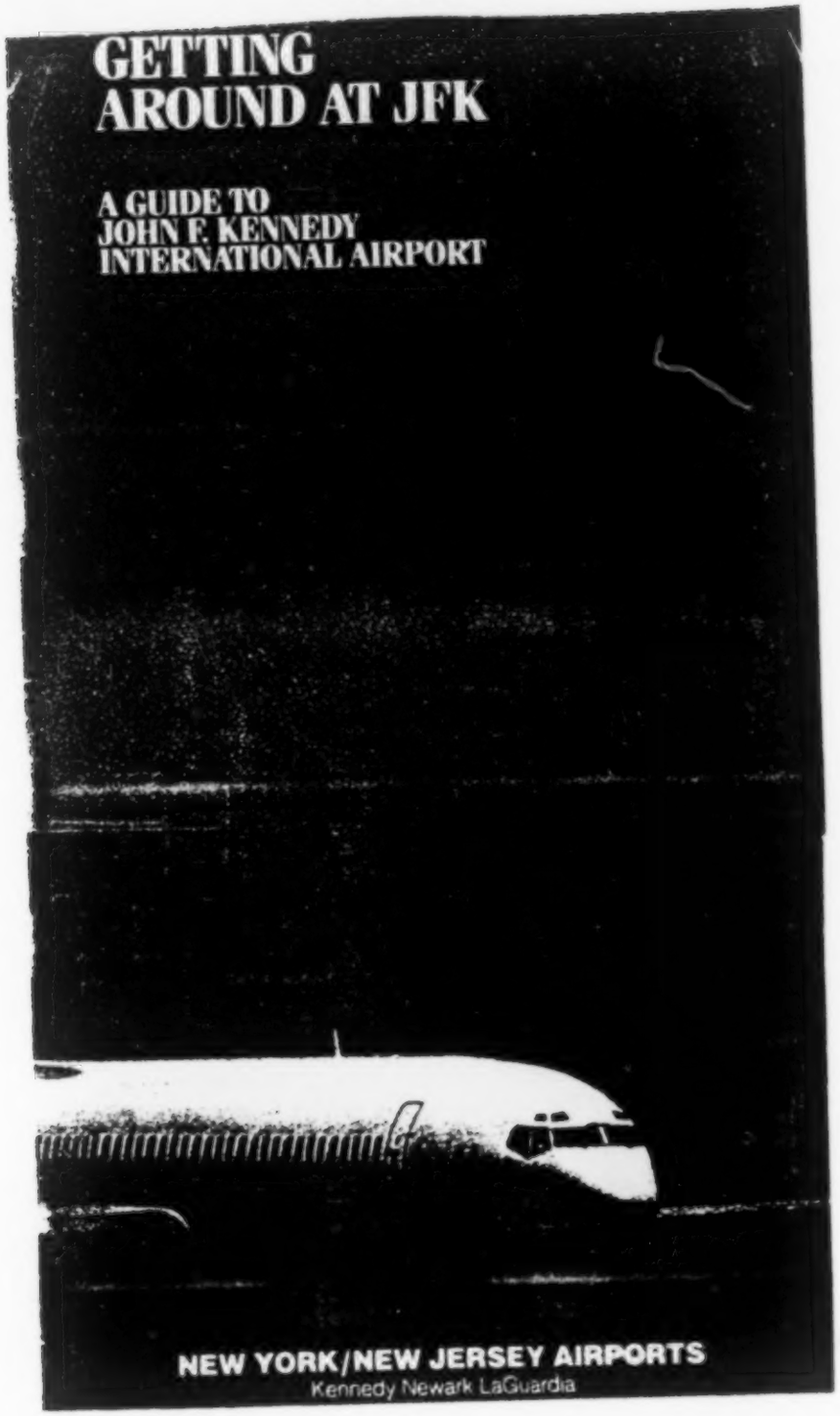
reconfigure and expand on-airport roads while providing new access to LaGuardia's east end area with construction of new off-airport roadways.

Starting in 1987, the airport's east-end roadways will be realigned and expanded to provide more efficient service to travelers. To improve airport access to the east end, off-airport road work should commence in 1990. Construction of ramp connections to the 102nd Street Bridge, which will serve as an exit and entrance to the airport, and a new fly-over roadway to provide access from the eastbound Grand Central Parkway to the east end terminals (Delta Airlines, Eastern Airlines Shuttle, and the planned East End terminal), will allow the separation of central terminal area and east end vehicle traffic.

Additional capital work at LaGuardia involves miscellaneous improvements to the aeronautical areas; more aircraft parking space; and construction of a safety overrun area at the end of Runway 13-31, all of which will serve to improve operations at the airport.

Also scheduled for construction is an underground hydrant fueling system, which would improve safety and obviate the need for fuel trucks in the ramp areas, thereby reducing overall ramp congestion.

EXHIBIT 8



WELCOME!

Welcome to John F. Kennedy International Airport. We hope you enjoy your stay.

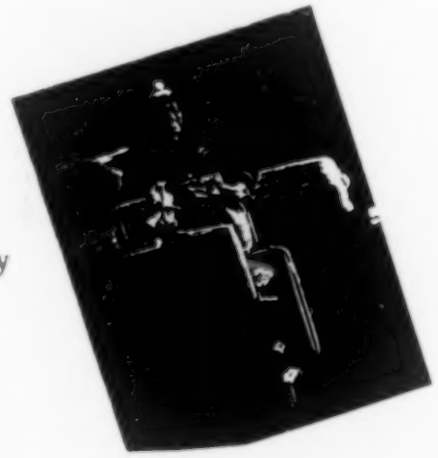
As one of the nation's busiest airports, handling some 30 million passengers each year, we're proud to be the world's gateway to America. In order to ensure that JFK remains America's premier gateway in the 21st century, we have embarked on a program of redevelopment and reconstruction without precedent in the history of the airport. The groundwork is now being laid for a new JFK that will be among the world's most modern international airports, with facilities and services that will dramatically improve the quality of air travel through our gateway.

This Visitor's Guide has been prepared with your comfort and convenience in mind—to help you find your way around and to acquaint you with the many services available. In addition to the information offered in the following pages, please refer to the insert in the back pocket of this Guide. It contains up-to-date information about the airport and its services, including complete parking rates and ground transportation schedules. Whether you're landing, taking off or just stopping by on your way to catch another flight, we're happy to have you with us and hope you'll come this way again soon.

Sincerely,

Robert J. Aaronson

Robert J. Aaronson
Director of Aviation
The Port Authority
of New York and New Jersey



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NOW THAT YOU'VE LANDED

INFORMATION FOR ARRIVING PASSENGERS ON INTERNATIONAL FLIGHTS

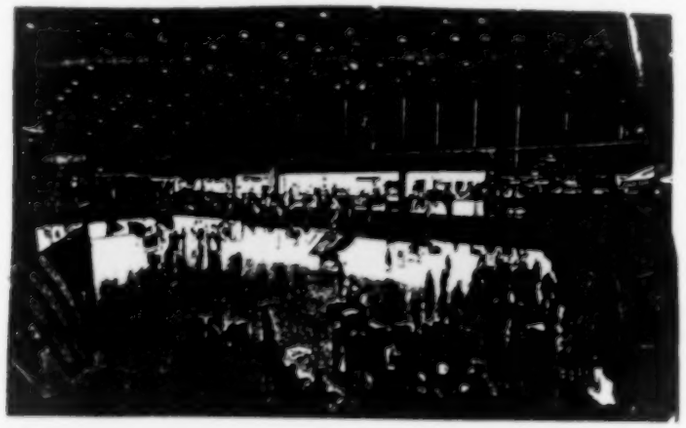
International flights requiring federal clearance arrive at the International Arrivals Building or at American Airlines, British Airways, Pan American Airways or TransWorld Airlines terminals.

U.S. Immigration and Customs forms: While in flight, your flight crew distributes U.S. Immigration and Customs forms to each passenger. To avoid delays, please fill out these forms *before you land.* And be sure to have your passport in hand when you leave the plane.

Non-U.S. residents: If you are not a U.S. resident, a review of your passport and other documents is required by the U.S. Public Health Service and the Immigration and Naturalization Service.

U.S. Customs: All international passengers—both U.S. residents and nonresidents—then proceed to the baggage claim area and to U.S. Customs. At JFK, U.S. Customs has devised special procedures to help speed you through the process.

- Those having nothing to declare to U.S. Customs are usually permitted to pass through without delay.
- Those with meats, fruits, plants or large amounts of currency are among those who are required to undergo baggage inspection.



Multilingual services: During peak periods, personnel with multilingual capabilities are available to assist arriving international passengers. Additional staff with bilingual capabilities are available at the Information Desk, located in the first floor lobby of the International Arrivals Building.

INFORMATION FOR ARRIVING PASSENGERS ON DOMESTIC FLIGHTS

Passengers on domestic flights exit the plane and proceed directly through one of our domestic terminals—American, Eastern, British Airways, Pan Am, Delta/Northwest, TransWorld Airlines Terminal "B" or United—and then to the baggage claim area.

INFORMATION FOR PASSENGERS CATCHING ANOTHER FLIGHT

FREE BAGGAGE TRANSFER SERVICE

If you're connecting to another flight at JFK, we urge you to take advantage of the free baggage transfer services offered by most airlines.

When you arrange in advance to have your baggage transferred, you're able to move about JFK more freely, quickly and conveniently. And you arrive at your destination feeling fresh rather than frazzled.

How to arrange it

To arrange for free baggage transfer at JFK, just follow these steps:

1. When purchasing your tickets, tell your travel agent or airline representative that you'd like your baggage transferred to your connecting flight at JFK. Be sure to confirm that you have been ticketed as an 'interline connecting passenger.'
2. Before departing, remind airline personnel ticketing your luggage that you want your baggage transferred to your connecting flight at JFK. An appropriate tag will then be affixed to your luggage.

International flights: On arrival at JFK, passengers on international flights should claim their baggage and proceed through U.S. Customs and Immigration. Immediately after clearance, luggage should be checked with the airline representative at the baggage collection point.

Domestic flights: Passengers arriving on domestic flights should arrange, through their travel agents, to have their baggage 'interlined.' Their luggage will then be transferred automatically, and they may board the free yellow and white buses to reach their connecting flights "luggage free."

WHEN YOU'RE READY TO TAKE OFF

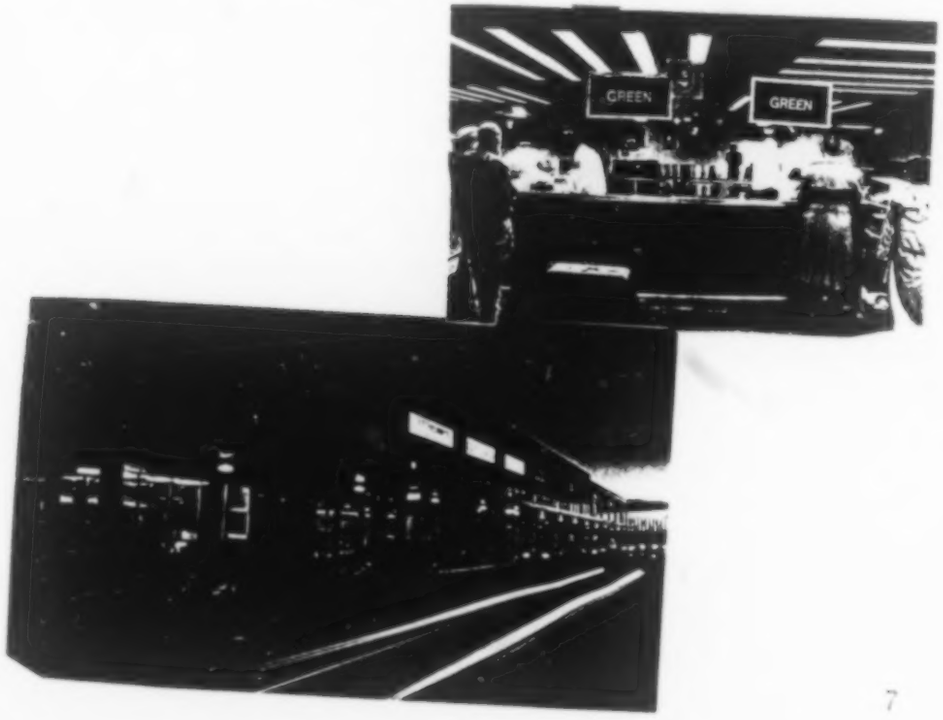
INFORMATION FOR DEPARTING PASSENGERS

Please leave yourself enough time.

To ensure ample time for parking, security screening and unanticipated delays, we urge you to arrive at your terminal at least one hour prior to the scheduled departure time of your flight.

When you arrive at JFK: Drop off your luggage at your airline's curbside check-in, provided one is available, or at your airline's ticketing counter. Then proceed to the gate from which your flight is scheduled to depart.

For everyone's security: To help ensure everyone's security, the Federal Aviation Administration mandates that all passengers must undergo security screening. This simple process requires only that you walk through a security device before boarding your flight and that you pass any hand-held baggage through an X-ray machine.



PASSENGER SERVICES AT JFK

You may never require the services listed below. But if you should, you'll be glad to know they're available.

INFORMATION SERVICES AND ASSISTANCE

Police: For general assistance, call *(718) 656-4668.* In an emergency, *(718) 656-4333.*

Information Counters: A centrally-located information counter—staffed by bilingual personnel—is on the first floor of the main lobby of the International Arrivals Building, *(718) 656-7990.* In addition, you'll find information desks at most other terminals. Consult the chart on page 14 to determine whether your airline has one. For information over the phone, call *(718) 656-4520.*

Ground transportation information: JFK's consolidated ground transportation counter is located in the first floor lobby of the International Arrivals Building. There, knowledgeable staff provide accurate information, free of charge, on how to get to or from JFK.

HEALTH AND HUMAN SERVICES

Medical services: A medical clinic, open 24 hours a day, is located in Building #198, at 150th Street and South Cargo Road, *(718) 656-5344.* In an emergency, contact the Airport Police on *(718) 656-4333.*

Dental services: A dental office, open Mondays and Wednesdays from 10 a.m. to 5:30 p.m. and Thursdays from 10 a.m. to 3:30 p.m., is located in Suite 2311 on the second floor in the East Wing of the International Arrivals Building, *(718) 656-4747.*

Assistance for the disabled: To assure the disabled person maximum comfort, convenience and ease of movement through the airport, it is wise to make all necessary arrangements *in advance*—through your travel agent or airline representative. For additional information about facilities for the disabled at the International Arrivals Building, contact The Port Authority of New York and New Jersey at *(718) 656-4476.*

Nursery facilities: A nursery, located on the second floor of the International Arrivals Building, offers a changing table and lounge. Additional nursery facilities are located in the British Airways and TransWorld Airlines terminal buildings, but are restricted to use by those airlines' ticketed passengers.

Traveler's Aid: This nationwide social service agency, offering various types of assistance to the traveler, maintains an office in the International Arrivals Building. Its hours are 10 a.m. to 10 p.m., weekdays; and 3 p.m. to 10 p.m., weekends, *(718) 656-4870.*

Paging: This service can be arranged by calling the airline on which the passenger is arriving or departing.

Religious services: JFK's tri-faith chapel plaza, located near the center of the airport, offers a Roman Catholic chapel, *(718) 656-5348,* a Jewish international synagogue, *(718) 656-5044* and a Protestant chapel, *(718) 656-5693.*

PASSENGER SERVICES AT JFK

At the Catholic chapel, a mass is scheduled each day at 12:15 p.m., at 5 p.m. on Saturday and Sunday, and at 9 a.m. and 10 a.m. on Sunday. Confessions are heard before each mass. For schedules of services for the synagogue and the Protestant chapel, call the appropriate telephone number, as shown above.

The chapel plaza is accessible from the International Arrivals Building by walking through Parking Lot #2. From other terminals, please use your car or a taxi.

PASSENGER CONVENIENCES

Banks, cash machines and foreign currency exchanges: You will find these facilities in most terminal buildings.

Baggage storage: Staffed baggage storage is provided in two locations on the second floor of the International Arrivals Building, *(718) 995-2228*. Another baggage storage area is provided on the third floor of the Pan American Airlines terminal *(718) 656-8617*. In addition, several terminals provide lockers for baggage storage.

On-site lodgings: The International Hotel, located right here at JFK, may be contacted through free courtesy telephones in all terminal buildings or at *(718) 995-9000*. Other hotels and motels may be reached through courtesy telephones or airline representatives.

Hotel reservations: A hotel reservation service desk, operated by Meegan Services, Inc., is staffed 24 hours a day and is located in the International Arrivals Building, *(718) 995-9292*. Hotel reservation desks or courtesy telephones are available in all other terminals as well.

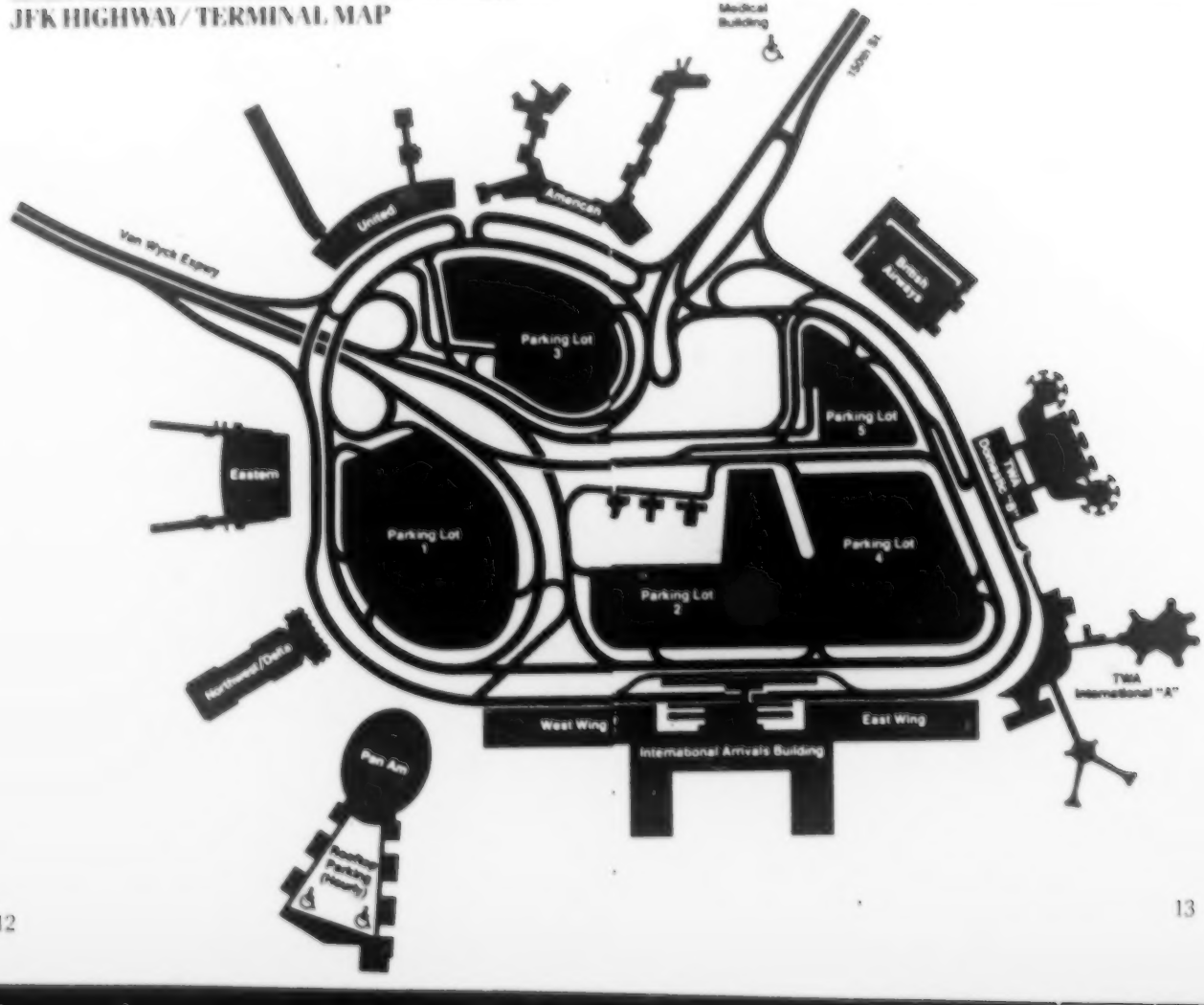
Animal shelter: An animalport, operated by the American Society for the Prevention of Cruelty to Animals (ASPCA), is available for the holding or boarding of animals of all sizes, 24 hours a day. It is located in Building #189 on North Service Court in the Air Cargo Center, *(718) 656-6042*.

Lost and found: To recover items lost aboard flights or in airline terminals, contact your airline representative first. If these items cannot be located, contact the main Lost and Found office on *(718) 656-4120*.

GOVERNMENT SERVICES

Postal services: You will find mailboxes and stamp vending machines at various locations in all airline terminals. In addition, there is a postal substation in the East Wing of the International Arrivals Building and a post office in the Air Mail Facility, Building #250 on North Boundary Road in the cargo area, *(718) 917-1438*.

JFK HIGHWAY / TERMINAL MAP



QUICK REFERENCE TO SERVICES

Services	Terminal International Arrivals Building Bus Stops *2, 6, 8	American Airlines Terminal Bus Stop *16	United Airlines Terminal Bus Stop *18	Eastern Airlines Terminal Bus Stop *20	Northwest/ Delta Terminal Bus Stop *22	Pan American Airlines Terminal Bus Stops *24A, 24	TWA International Terminal A Bus Stop *10	TWA Domestic Terminal B Bus Stop *12	British Airways Terminal Bus Stop *14
Bank	■	■	■	■		■	■	■	■
Barber/ Beauty Shop	■			■		■			
Book/ Gift Shop	■	■	■	■	■	■	■	■	■
Cafeteria	■	■	■	■	■	■	■	■	■
Car Rental Counter/Phones	■	■	■	■	■	■	■	■	■
Cash Machine	■	■	■			■	■	■	
Cocktails	■	■	■	■	■	■	■	■	■
Coffee/Snacks	■	■	■	■		■	■	■	■
Duty Free Shops	■	■	■	■	■	■	■	■	■
Foreign Currency Exchange	■	■	■		■	■	■	■	■
Free Limo Phones	■	■	■	■	■	■	■	■	■
Gourmet Shops	■	■				■		■	
Hotel Reservations	■	■	■	■	■	■	■	■	■
Ice Cream	■							■	
Information Counter	■	■	■	■		■	■	■	■
Locker/ Baggage Storage	■	■	■	■					
Newsstand/ Smoke Shop	■	■	■	■	■	■	■	■	■
Nursery	■						■	■	■
Pay Television	■	■			■	■	■	■	■
Pharmacy	■								
Postal Stamp Vending Machine	■	■	■	■	■	■	■	■	■
Post Office	■								
Shoeshine	■	■	■	■			■	■	
Telegrams	■								
Travelers Checks Vending Machines	■	■	■		■	■	■	■	
Travel Insurance	■	■	■	■	■	■	■	■	■

WHERE TO PARK YOUR CAR AT JFK

Where you park depends on how long you park. There are lots designated for hourly, short-, and long-term reduced-rate parking, as described below. All parking rates include New York City Sales Tax.

For parking lot rates and information on free bus shuttle service from the reduced-rate lots, consult the 'Parking' section of the insert in the back pocket of this booklet.

Hourly parking: Lot #6, on the Pan American Airways rooftop, is intended for use by drivers who are picking up or dropping off passengers. *Note that this is the most expensive of the parking options available to you at JFK and is intended for use for two hours or less.*

Short-term parking: Lots #1, 2, 3, 4 and 5 are for travelers who intend to park their cars for periods not exceeding several days.

Long-term reduced-rate parking: Lots #8 and 9 are offered at reduced rates to travelers who plan to park their cars for periods longer than several days. *Note that these lots are the least expensive of the parking options available, but are also located farthest from the terminals.* Free 24-hour bus transportation is provided from these lots to the central terminal area.

Parking accommodations for the disabled: Facilities for the disabled vary from airline to airline. Therefore, disabled passengers who intend to park their cars at JFK are advised to contact their airlines *well in advance* of their arrival for information on parking and other services.

Reserved spaces for the disabled—available at reduced rates—are provided in Central Terminal areas lots #1, 2, 3, 4, 5 and 6. For rate information, consult the 'Parking' section of the insert in the back pocket of this booklet.

For additional information on airport services for the disabled, write The Port Authority of New York and New Jersey, Aviation Customer and Public Services Division, One World Trade Center, Room 65N, New York, N.Y. 10048, or call *(212) 466-7503.*

AIRPORT PARKING AND DRIVING TIPS

- All parking facilities are provided on a first-come, first-served basis.
- Allow sufficient time for driving and parking to ensure that you arrive at your terminal at least one hour before flight time.
- Always lock your car and take your keys with you.
- Check your lights.
- Do not leave articles—whether you consider them valuable or not—in your car.
- Take your parking ticket with you.
- On your parking ticket, be sure to write the lot and section number where you've parked your car.
- For assistance, contact the exit booth attendant.
- If you need towing or other types of automotive services, call the garage or auto club of your choice.
- If you intend to park for more than 30 days, you are required to notify parking lot management. The exit booth attendant will assist you.

PLEASE OBEY SEAT BELT LAWS. THEY'RE FOR *YOUR* PROTECTION.

Visitors flying in to JFK and driving to destinations in New York, New Jersey or Connecticut are required by law to "buckle up." Violators of state seat belt laws are subject to fines.

For your safety, seat belts should be worn by:

- all front seat occupants
- all children under 10 anywhere in the vehicle

Children under four must be secured in a child safety restraint device.

IF YOU'RE PARKING AT JFK, DIALING THESE TELEPHONE NUMBERS CAN GET YOU INFORMATION OR ASSISTANCE. FAST.

Current parking and roadway status (taped message) . . . . . *(718) 495-5400*
Parking operator . . . . . *(718) 656-5699*
Airport auto service . . . . . *(718) 917-6085*
Police . . . . . *(718) 656-4668*

MAJOR AUTO ACCESS ROUTES TO JFK

A - George Washington Bridge
B - Triborough Bridge
C - Lincoln Tunnel
D - Holland Tunnel
E - Brooklyn Battery Tunnel
F - Verrazano Narrows Bridge
G - Manhattan Bridge
H - Queens Midtown Tunnel
I - Whitestone Bridge
J - Goethals Bridge
K - Throgs Neck Bridge

Newark International Airport—immediately adjacent to the New Jersey Turnpike between exits 14 (north) and 13A (south). For the North Terminal, use exit #14. To Terminals A, B or C use exit #13A.

HOW WE TAKE THE WALKING OUT OF FLYING AT JFK

GROUND TRANSPORTATION SERVICES

For prices, schedules and a listing of the companies offering the services listed below, consult the 'Ground Transportation' section of the insert in the back pocket of this booklet.

WITHIN JFK

Free 24-hour terminal-to-terminal bus service: If you're traveling between JFK's nine terminals, board one of our climate-controlled, yellow and white airline connection buses. These operate free of charge, 24 hours a day.

Taxi service: At each terminal within JFK you'll find a taxi dispatcher on duty during peak travel periods, at designated taxi stands. The dispatcher will summon a taxi,licensed by the New York City Taxi and Limousine Commission, for trips within JFK and its vicinity.

Transportation for the disabled: Autolink, an on-demand transportation service provided by the airlines as a courtesy to disabled passengers, provides fast point-to-point connections between terminals. This service, which employs vehicles specially designed to accommodate disabled passengers and wheelchairs, must be arranged through your airline representative in advance of your arrival.

TO AND FROM JFK

The listings that follow provide general information on ground and local air transportation services available to you at JFK. For specifics, consult the 'Ground Transportation' section of the insert in the back pocket of this booklet.

At JFK, you can also obtain information by consulting personnel at the Consolidated Ground Transportation Counter, located on the first floor of the lobby of the International Arrivals Building. Knowledgeable staff will assist you, providing schedules, prices and specific drop-off points.

Express bus service: Express bus service is available between JFK and Manhattan and Brooklyn. Bus stops are located outside each terminal building.

The JFK Express: This high-speed bus and train combination links JFK with Manhattan and Brooklyn and runs about every 20 minutes. Outside your airline terminal, look for a sign reading 'Bus/Train to New York City.' At this location, you board a shuttle bus which takes you to a nearby subway station, where you board a train bound for Manhattan and Brooklyn.

Limousine service: Upon request, limousine services offer a single passenger or a group of passengers a wide array of vehicles—buses, vans, sedans, conference cars—to or from most destinations. Fares are based on a per person, hourly or flat rate. Arrange for a limousine by calling a company in advance or visit the Consolidated Ground Transportation Counter in the International Arrivals Building. At other terminals, use free limousine company courtesy phones near the baggage claim areas.

Taxi service: You will find taxis available outside each terminal. To assist you in securing one, uniformed taxi dispatchers are on duty during peak travel hours at the International Arrivals Building and at the other central terminal area buildings. If you arrive during a non-peak period and find no dispatcher on duty, request assistance from a uniformed terminal guard or uniformed police officer.

For your security: Your taxi dispatcher will provide you with a taxi information flyer with multilingual text. After you have read it and secured a taxi, write on this flyer your cab's identification number—located on the roof of the cab, between the "on" and "off" duty sign—just in case you have a problem with the service provided.

Car rental services: You will find car rental counters operated by Avis, Budget, Dollar, Hertz and National in the International Arrivals Building. At other locations, use the courtesy telephones provided. The rental car return facility for all of these companies is located at JFK's Federal Circle, easily accessible from the Van Wyck Expressway and all terminal buildings. And remember: *Buckle up for safety. It's the law.*

Helicopter service: Helicopter service is available between JFK and the 34th Street Heliport, in midtown Manhattan. Helicopter service is also available between JFK and Newark International and LaGuardia airports.

TRANSPORTATION FROM JFK TO NEWARK INTERNATIONAL AND LAGUARDIA AIRPORTS

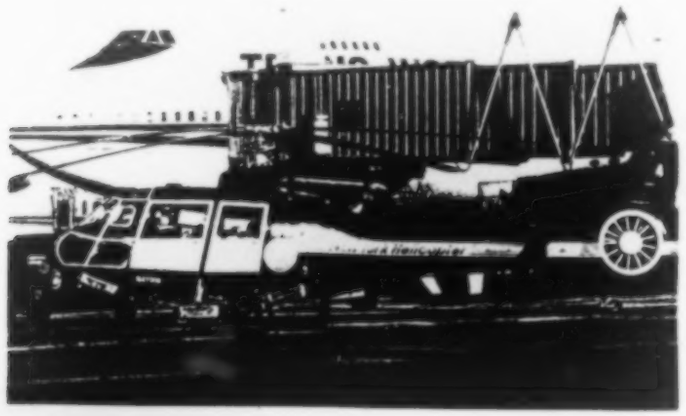
If you want to reach Newark International or LaGuardia Airport in a hurry, there are four convenient transfer services to choose from:

Express bus service: Express buses operate between JFK and Newark International and LaGuardia airports on fixed schedules.

Limousine service: Limousines are available for inter-airport connections on a daily, regularly scheduled basis.

Taxi service: *See 'Taxi service' listing on page 22.*

Helicopter service: Many airlines offer free or reduced-rate inter-airport transfers via helicopter. For more information, contact your airline representative.



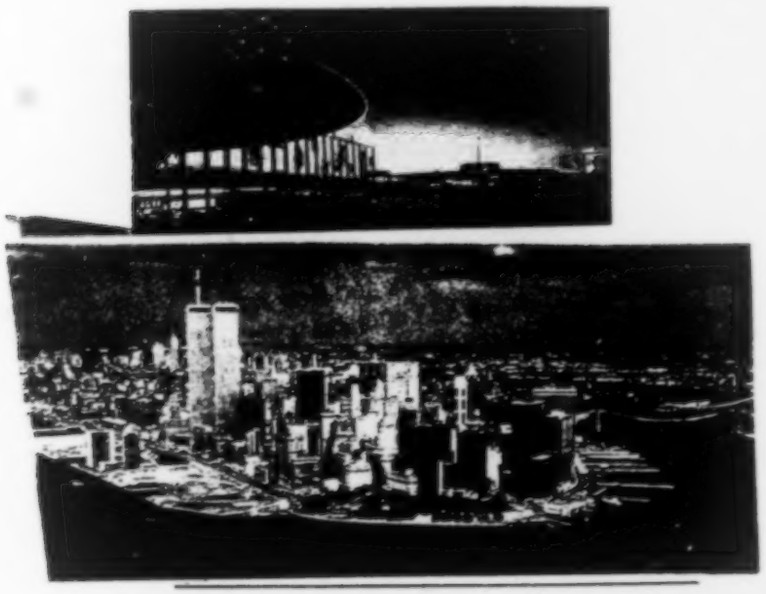
START WITH AN AREA ONE-THIRD THE SIZE OF MANHATTAN . . .

A PROFILE OF ONE OF THE WORLD'S BIGGEST, BUSIEST AIRPORTS

John F. Kennedy International Airport, located only 15 miles from midtown Manhattan, is one of the nation's busiest airports. Because of its strategic geographic location, JFK has long been considered the world's gateway to America.

Because of its size (4,930 acres) and the number of airlines it accommodates (79 in all), JFK is able to serve more than 30 million passengers a year—including one-third of all international air passengers arriving in the United States.

Aside from the large and growing number of passenger services, the wealth of shops and restaurants serving every taste and budget, the statistics of JFK's facilities are truly amazing:



- JFK occupies a total of 4,930 acres—an area equal to the size of Manhattan Island, from the Battery to Midtown.
- JFK has a total of 150 aircraft gate positions, to serve the various terminals.
- JFK's runways extend a total length of nine miles.
- JFK's taxiways cover an area of 22 miles.
- JFK has over 16,000 parking spaces.
- JFK has 31 cargo buildings.
- JFK has the world's largest animalport.
- JFK has its own Post Office.
- JFK has storage facilities for 32 million gallons of aircraft fuel.
- JFK has flights to over 150 domestic and international cities.

All passenger flights are serviced within the central terminal area, where the International Arrivals Building and eight individual terminal buildings are located.

JFK's giant physical plant, impressive as it is, really has one purpose: to serve *you*. In the future, as in the past, all of us at John F. Kennedy International Airport will be working to make our service—and our services—the best of any airport in the world.

ABOUT THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY

John F. Kennedy International Airport is operated by The Port Authority of New York and New Jersey.

Created in 1921, The Port Authority is a bi-state agency which undertakes port and regional improvements; provides dock facilities for the harbor shared by the states of New York and New Jersey; and, in general, promotes and operates trade and transportation projects to maintain the Port of New York/New Jersey's position as America's preeminent gateway and the world's most dynamic port.

ABOUT THIS PUBLICATION

This booklet is produced by The Port Authority of New York and New Jersey in the public interest, for the widest possible dissemination of useful information to air travelers. It is not copyrighted. We encourage reprinting in any appropriate form, including reproduction of this booklet in its entirety, or through adaptation of the visuals or text.

Extra copies of this publication—as well as published guides to Newark International and LaGuardia airports—can be obtained by writing to the Aviation Customer and Public Services Division, The Port Authority of New York and New Jersey, One World Trade Center, Room 65N, New York, N.Y. 10048, or by telephoning *(212) 466-7503*.

Published by the Aviation Customer and Public Services Division, Aviation Department, The Port Authority of New York and New Jersey

IN OUR POCKET

- How to get to, from and around JFK
- Parking lot information and rates
- Car rental information
- Airline listing and locations
- Map of terminal connection bus stops

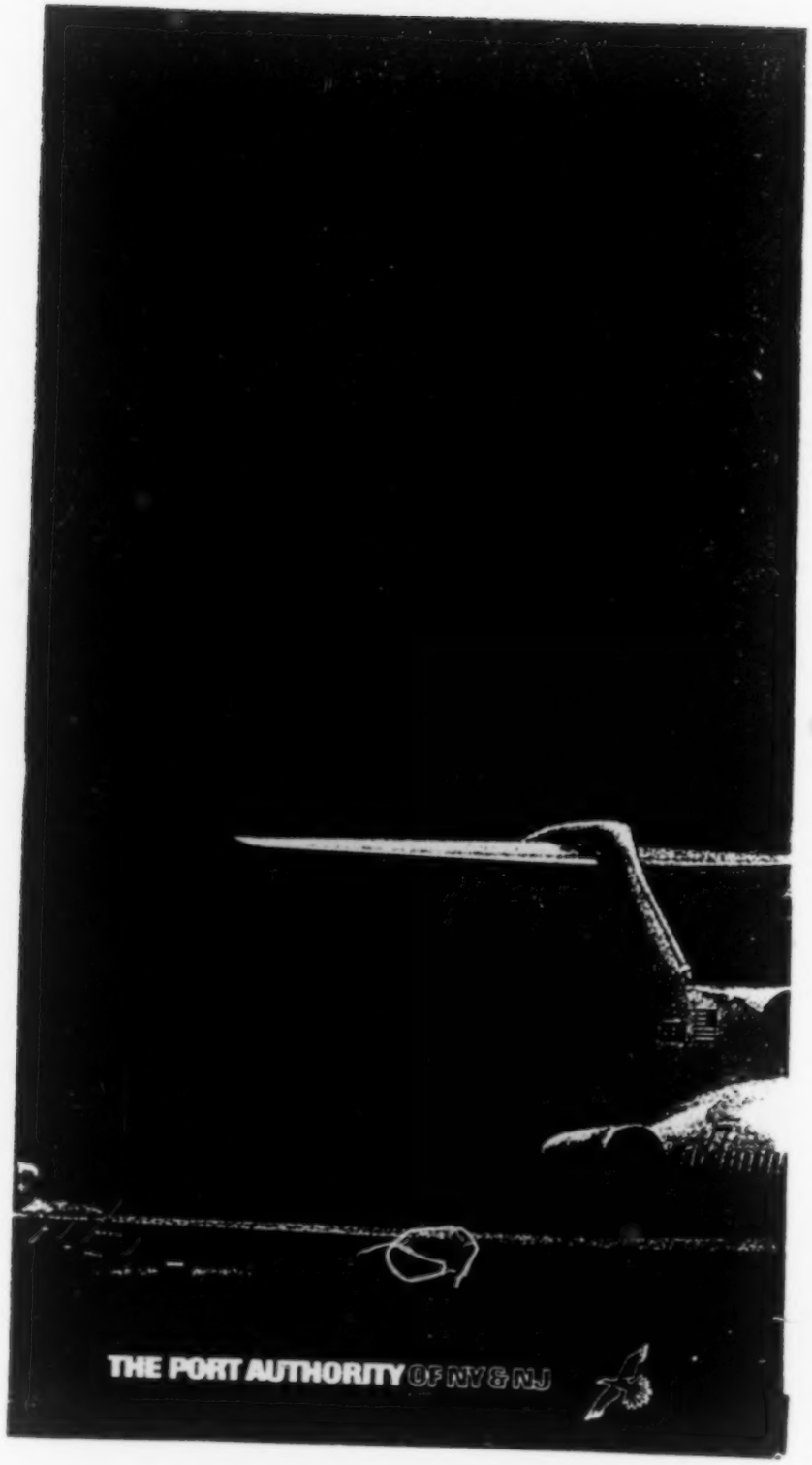
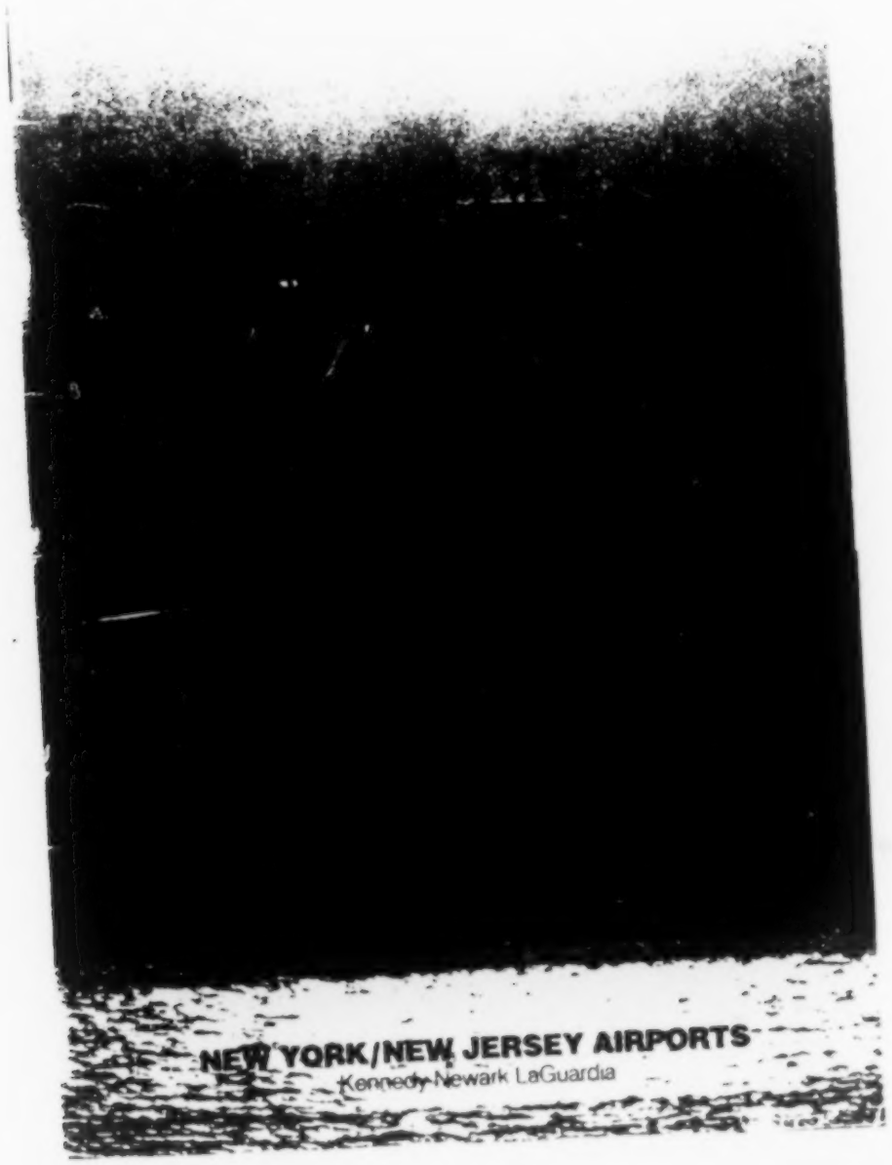


EXHIBIT 9

GETTING AROUND AT LGA

A GUIDE TO LAGUARDIA AIRPORT



WELCOME!

Welcome to LaGuardia! We hope you enjoy your stay.

We're proud that LaGuardia is one of the busiest airports in the nation and provides convenient service to the New York/New Jersey metropolitan area. LGA handled 20 million passengers in 1985 and it is projected that 30 million passengers will use it in the year 2000.

To keep pace with this growth, new roadways are planned to provide improved vehicular access to the airport. The entire Central Terminal Building is being remodeled and expanded to accommodate more concessions and spacious waiting rooms and ticketing areas. Also, studies are in progress for a new terminal which might be built on the eastern side of the airport to handle the airport's increasing number of flights.

This visitor's guide has been prepared with your comfort and convenience in mind — to help you find your way around our fast-growing airport and to acquaint you with the many services available to you.

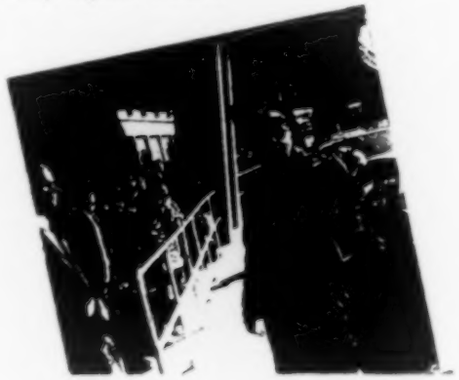
In addition to the information offered in the following pages, please refer to the insert in the back pocket of this guide. It contains up-to-date information about the airport and its services, including complete parking rates and ground transportation schedules.

Whether you're landing, taking off, or just stopping by on your way to catch another flight, we're happy to have you with us and hope you'll come this way again soon.

Sincerely,

Robert J. Aaronson

Robert J. Aaronson
Director of Aviation
The Port Authority
of New York
and New Jersey



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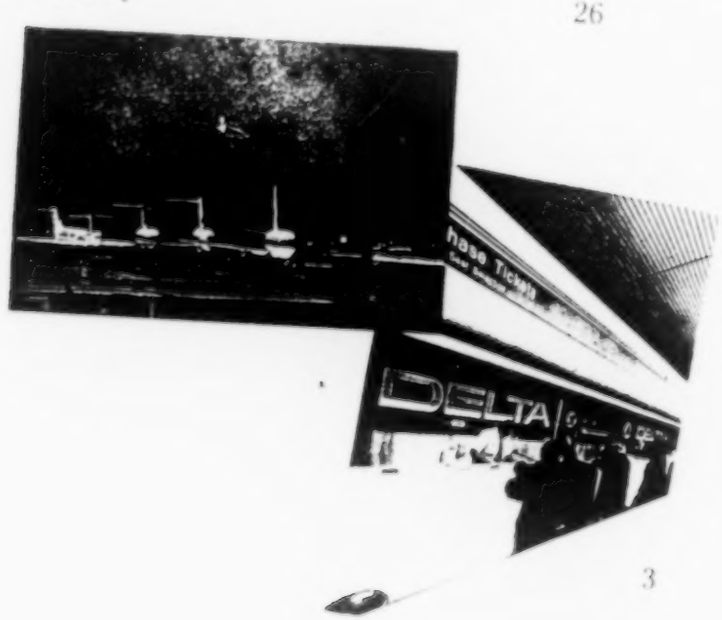


WHEN YOU'RE READY TO FLY . . .

INFORMATION FOR DEPARTING PASSENGERS

Please leave yourself enough time.

To ensure ample time for parking, security screening and unanticipated delays, we urge you to arrive at your terminal *at least one hour* prior to the scheduled departure time of your flight.

When you arrive at LaGuardia: Drop off your luggage at your airline's curbside check-in, provided one is available, or at your airline's ticketing counter. Then proceed to the gate from which your flight is scheduled to depart.

If you are traveling with light luggage, you can avoid the traffic congestion on the departure roadway of the Main Terminal by using the alternate departure roadway which is located on the third level of the parking garage. This roadway does *not* have skycap service. It is intended for use by passengers carrying their luggage (a light suitcase) into the Main Terminal. From the alternate departure roadway, you can enter the Main Terminal through weather-protected connectors from the fourth level of the garage. The connectors can be reached from the alternate departure roadway and all levels of the garage via elevators or escalators and stairways.

4

For everyone's security: To help ensure everyone's security, the Federal Aviation Administration requires all passengers to undergo security screening. This process requires that you walk through a security device and pass any hand-held luggage through an X-ray machine before boarding your flight. (Caution: If you have unexposed film in your carry-on luggage, notify the guard at the security check point. Some X-ray devices may damage unexposed film.)

5

NOW THAT YOU'VE LANDED

INFORMATION FOR ARRIVING PASSENGERS

When your flight arrives at LaGuardia: Go directly to the baggage claim area to get your baggage. Information on public transportation can be found at one of the conveniently located Consolidated Ground Transportation Counters. There, knowledgeable staff provide accurate information, free of charge, on how to get to or from LaGuardia.

Pickup procedure for arriving passengers: Passengers arriving at the Main Terminal should be picked up at the Passenger Pickup Area, located on the lower level (arrivals) roadway across the street from the Main Terminal (see airport map). The Delta and Eastern Airlines Shuttle terminals also have similar curbside pickup zones. Cars can stand at these "no parking" areas for brief periods while *actively* loading passengers and luggage. *Unattended vehicles will receive parking tickets.* If a Passenger Pickup Area is congested, follow the traffic signs for parking in the metered lots, parking lots or the parking garage. Motorists meeting arriving passengers at the Marine Air Terminal or the Eastern Commuter Terminal should use the parking facilities which are near each of these terminals.

INFORMATION FOR PASSENGERS CATCHING ANOTHER FLIGHT

FREE BAGGAGE TRANSFER SERVICE

If you're connecting to another flight at LaGuardia, we urge you to take advantage of the free luggage transfer service offered by most airlines.

When you arrange in advance to have your baggage transferred, you're able to move about LaGuardia more freely, quickly and conveniently. And you arrive at your destination feeling fresh rather than frazzled.

How to arrange it: To arrange for free baggage transfer at LaGuardia, just follow these steps:

1. When purchasing your tickets, tell your travel agent or airline representative that you'd like your baggage transferred to your connecting flight at LaGuardia. Be sure to confirm that you have been ticketed as an "interline connecting passenger."
2. Before departing, remind airline personnel ticketing your luggage that you want your baggage transferred to your connecting flight. An appropriate tag will be affixed to your luggage.

PASSENGER SERVICES AT LAGUARDIA

In case you need the services listed below here's where they're available.

INFORMATION SERVICES AND ASSISTANCE

Police: For general assistance, ask any Police Officer for help. In an emergency, telephone *476-5111*.

Information: A desk is centrally located on the departures level (second floor) of the Main Terminal. It is staffed with "AppleAides," senior citizens from the local community who volunteer their time to assist LaGuardia's travelers. They are very knowledgeable about the airport and can also tell you how to get around New York. The AppleAide desk is staffed Monday thru Friday from 9 a.m. to 8 p.m., and from 2 p.m. to 6 p.m. on Sunday. The desk is closed Saturday.

Airport staff at the Manager's office *(718) 476-5000* (weekdays 9 a.m. to 5 p.m.) and at the Operations office *(718) 476-5072* (24 hours a day) are available to answer questions about LaGuardia. Refer questions concerning flight arrival and departure schedules to your airline.

Ground transportation information: LaGuardia has six Consolidated Ground Transportation Counters; four at the baggage claim area of the Main Terminal, and one each at the Delta and Eastern Airlines Shuttle terminal buildings. At these counters, knowledgeable staff will provide you with accurate information, free of charge, on how to get to and from LaGuardia. To obtain ground transportation information call *(718) 476-5157* (7:30 a.m. to 11:30 p.m.).

HEALTH AND HUMAN SERVICES

Medical services: Medical assistance is available at a privately operated office in the central part of Hangar 7, in the Marine Terminal area. The medical office is open weekdays from 8 a.m. to 4 p.m., *(718) 476-5575*. In a medical emergency, ask a police officer for help or call the police at *476-5111*.

Passenger Paging: This service can be arranged by calling the airline on which the passenger is arriving or departing. A complete listing of airlines and their telephone numbers is in the insert in the back pocket of this guide.

Assistance for the disabled: To obtain a wheelchair or to arrange for other types of assistance for the disabled, contact your airline representative. (See airline listing in the back pocket of this guide). Special rest rooms, telephones and other facilities for the disabled are provided at the airport.

PASSENGER SERVICES AT LAGUARDIA

For additional information concerning facilities for the disabled, write or call, and request the booklet *Airport Facilities and Services for the Disabled* from the Port Authority's Aviation Customer and Public Services Division, One World Trade Center, Room 65N, New York, NY 10048, or phone *(212) 466-7503*.

Nursery/Playground facilities: A child care nursery, containing two changing tables, is provided in the women's room, on the lower level of the Main Terminal, near the central lobby area. By taking a nearby escalator to the second floor, you can keep your toddlers occupied by obtaining free coloring books and puzzles from the airport's information counter in the central lobby area. Across from this information desk is KIDSPORT, a brightly colored area that has ride-on toys, a crawl-thru tunnel, slide and pint-sized tables and chairs for children to use while working on their coloring books and awaiting their flights.

PASSENGER CONVENIENCES

Banks, cash machines and foreign currency exchanges: You will find these facilities in most terminal buildings. Consult the chart on page 14 for specific locations.

Baggage storage: Baggage can be stored at Mutual of Omaha's travel insurance counter, located on the second floor of the Delta Terminal building *(718) 651-6725*. This is the only airport facility for baggage storage. It is open from 6 a.m. to 8 p.m., Monday thru Friday, and 7 a.m. to 3:30 p.m. on weekends.

Hotel reservations: Meegan Services, Inc., provides a hotel reservation service with desks or courtesy phones in the American, Trans World and Eastern Airlines arrival areas of the Main Terminal, and at the Delta and Eastern Airlines Shuttle terminal buildings *(718) 476-5587*. Hotel and motels near the airport may also be reached from courtesy telephones on the arrivals level of the Main Terminal and in the other terminals, or through your travel agent or airline representative.

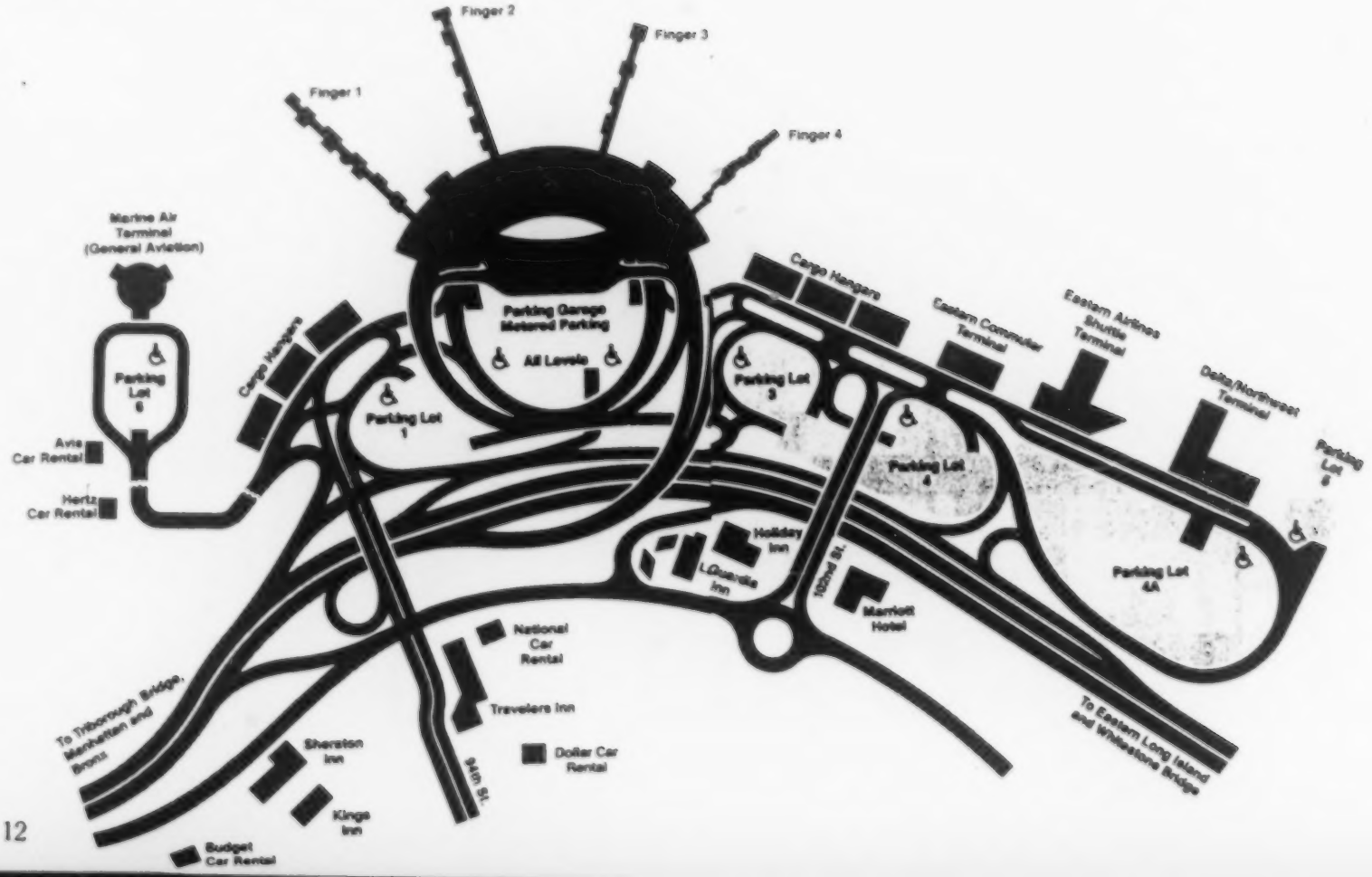
Hotels: Hotels and motels near the airport include: Holiday Inn *(718) 898-1225*, Kings Inn *(718) 656-5133*, Travelers *(718) 335-1200*, Marriott *(718) 476-5340*, Sheraton *(718) 446-4800* and the West Way *(718) 274-2800*.

Lost and found: To recover items lost in transit or in airline terminals, contact your airline representative first. If baggage cannot be located, call the Lost and Found office at the airport's Port Authority Police Headquarters *(718) 476-5115*.

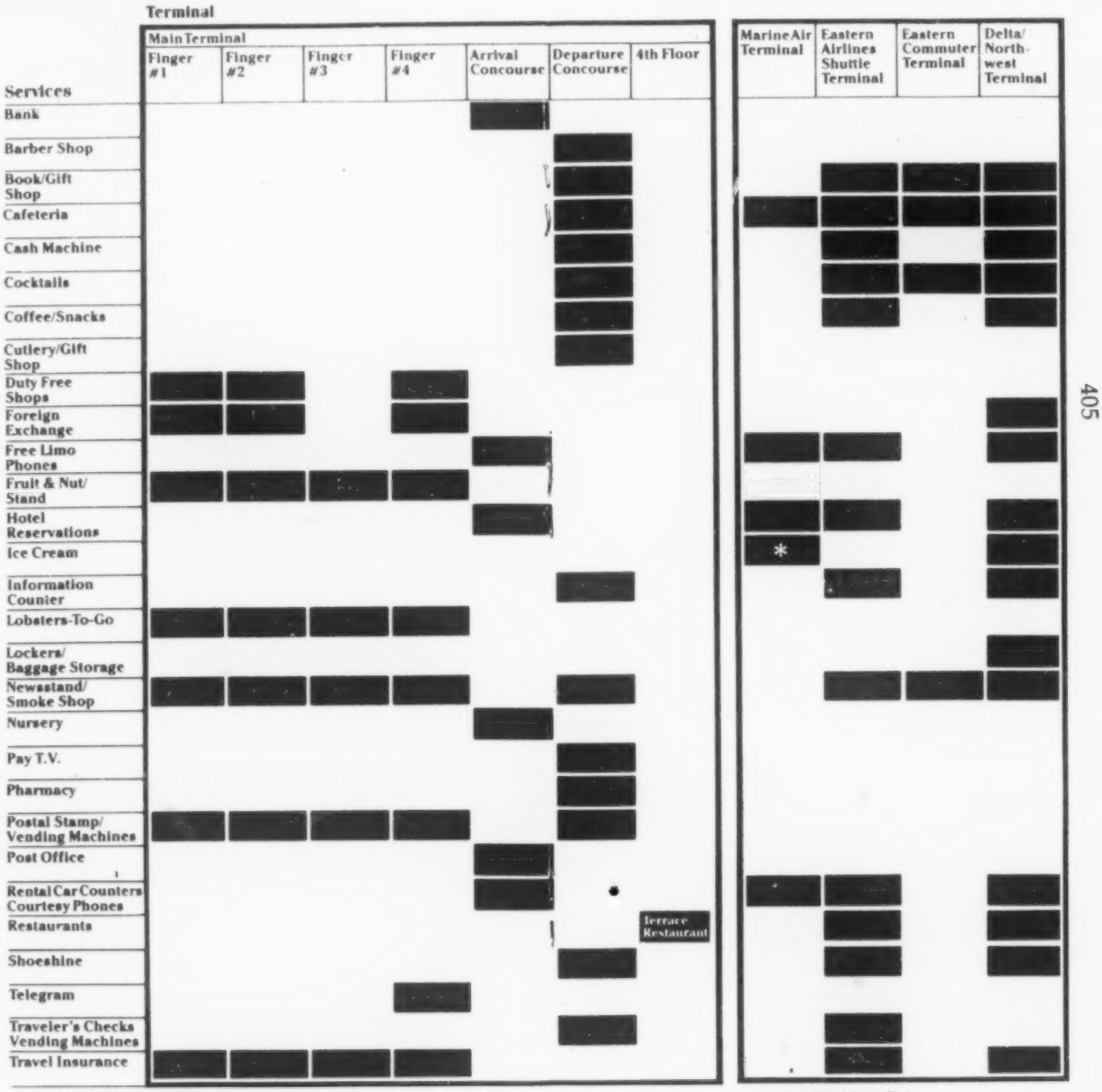
GOVERNMENT SERVICES

Post Office: A post office is on the lower level of the Main Terminal in the central lobby area. It is open from 9 a.m. to 3 p.m. on Monday and Tuesday, and from 9 a.m. to 4 p.m. Wednesday, Thursday and Friday. Phone *(718) 429-5689*. Mailboxes and stamp vending machines are positioned throughout the Main Terminal.

LAGUARDIA HIGHWAY/TERMINAL MAP



QUICK REFERENCE TO SERVICES



Airline Clubs — 3rd Floor

- American Airlines Admiral Club (Room W 307)
- TWA Ambassador Club (Room 3771)
- Eastern Airlines Ionosphere (Room 3711)
- US Air Club (Room 3760)

*Vending Machines Only

Conference rooms available at Terrace Restaurant
Marriott/Host (718) 476-5340

WHERE TO PARK YOUR CAR AT LAGUARDIA

LaGuardia has a parking garage, grade level lots and metered parking facilities for its patrons. Free bus service to the Main Terminal building is provided from 5 a.m. to 2 a.m. Extra-wide parking spaces for disabled motorists, identified by the international symbol for the disabled, are available in all parking facilities.

Detailed parking information and rates are in the insert in the back pocket of this book.

If you're parking at LaGuardia, dialing these telephone numbers can get you information or assistance fast.

Parking operator.....*(718) 429-5380*
Current parking and roadway status (taped message).....*(718) 476-5105*
Auto service .....*(718) 478-1812*
Airport information .....*(718) 476-5000*
Police .....*(718) 476-5115*
Airport operations .....*(718) 476-5072*

AIRPORT PARKING AND DRIVING TIPS

- All parking is on a first-come, first-served basis.
- Allow sufficient parking and driving time to arrive at your terminal one hour before flight time.
- Always lock your car and take your keys with you.
- Check your lights.
- Do not leave articles in the car.
- Note the section where you park on your ticket.
- Take the parking ticket with you.
- For assistance, contact attendant at exit booth.
- Motorists requiring towing or assistance are free to call the service station or auto club of their choice.

SEAT BELT LAW

PLEASE OBEY SEATBELT LAWS.
THEY'RE FOR *YOUR* PROTECTION.

Visitors flying into LaGuardia and driving to other destinations are required by law to "buckle up" in New York, New Jersey and Connecticut. Violators of state seat belt laws are subject to fines.

For your safety, seat belts should be worn by:

- all front seat occupants
- all children under 10 anywhere in the vehicle

Children under four should be secured in a child-safety restraint device.

The driver is responsible for all passengers under age 16. Passengers 16 and over are responsible for themselves. Violators of the laws are subject to fines of up to $50.

MAJOR AUTO ACCESS ROUTES TO LAGUARDIA

A - George Washington Bridge
B - Triborough Bridge
C - Lincoln Tunnel
D - Holland Tunnel
E - Brooklyn Battery Tunnel
F - Verrazano Narrows Bridge
G - Manhattan Bridge
H - Queens Midtown Tunnel
I - Whitestone Bridge
J - Goethals Bridge
K - Throgs Neck Bridge

Newark International Airport — immediately adjacent to the New Jersey Turnpike between exits 14 (north) and 13A (south) For the North Terminal, use exit *14. To Terminals A, B or C use exit *13A.

HOW WE TAKE THE WALKING OUT OF FLYING AT LAGUARDIA

GROUND TRANSPORTATION SERVICES

For prices, schedules and a complete listing of the companies offering the services listed below, consult the "Ground Transportation" section of the insert in the back pocket of this booklet.

WITHIN LAGUARDIA

Free parking lot and inter-terminal bus service: Free bus service is provided from the parking lots to the Main Terminal building every 10 to 15 minutes from 5 a.m. to 2 a.m. Since these yellow and white buses stop at all terminals, with the exception of the Marine Air Terminal Building, you can also use them to make a connecting flight. Passengers transferring to or from the Marine Air Terminal can request transportation by calling Butler Aviation at *(718) 476-5200.*

TO AND FROM LAGUARDIA

The listings that follow provide general information on ground and local air transportation services available to you at LaGuardia. For specifics, refer to the "Ground Transportation" section of the insert in the back pocket of this booklet.

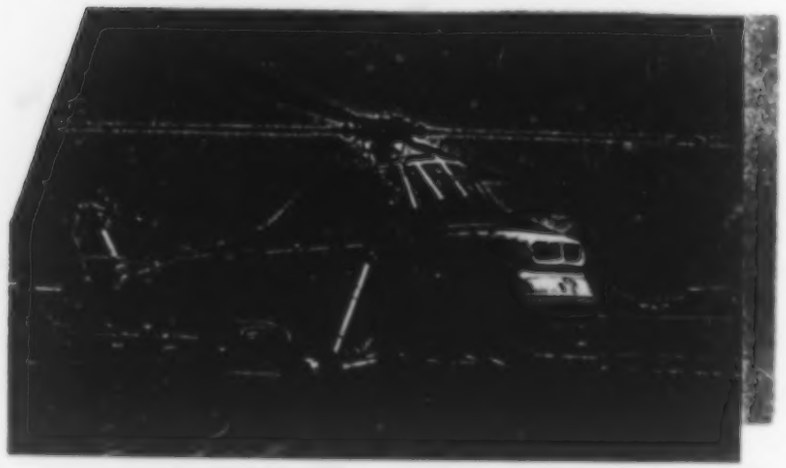
Bus Service: Express bus service is available to mid-Manhattan with a stop near Grand Central Station and shuttle service to the Port Authority Bus Terminal and Rockefeller Center. Bus service is also available to Brooklyn and the World Trade Center, located in downtown Manhattan (financial district). Public transit buses also provide service to the local community in Queens and connections to the New York City subway.

Taxi service: Taxis are available outside each terminal. To assist you in securing one, uniformed taxi dispatchers are on duty during peak travel hours. If you arrive during a nonpeak period and find no dispatcher on duty, you can hail a taxi on your own or request assistance from a Port Authority police officer.
For your security: Multilingual taxi information flyers are available at each taxi stand. After you have read it and secured a taxi, please note on this flyer your cab's identification number — located on the roof of the cab, between the "on" and "off" duty sign — in case you have a problem with the service provided.

Limousine service: Upon request, limousine services offer a single passenger or a group of passengers transportation in a wide array of vehicles — buses, vans, sedans, conference cars — to or from many destinations in the New York metropolitan area. Fares are based on a per person, hourly or flat rate. Arrangements can be made by visiting a Ground Transportation Counter in the baggage claim area of each terminal building.

Helicopter service: Helicopter service is available between LaGuardia and midtown Manhattan. Connections via helicopter are also available between LaGuardia and John F. Kennedy and Newark International airports.

Car rental services: In most of the terminals, you will find car rental counters operated by Avis, Budget, Dollar, Hertz and National. At other locations, use the courtesy telephones provided. Rental car return facilities for Avis and Hertz are located near the Marine Air Terminal. Upon returning to the airport, follow the roadway signing for rental car return. The Budget, Dollar and National car rental companies are located off-airport. And remember: *Buckle up for safety. It's the law.*



TRANSPORTATION FROM LAGUARDIA TO JOHN F. KENNEDY AND NEWARK INTERNATIONAL AIRPORTS

If you want to reach JFK or NIA in a hurry, there are four convenient transfer services to choose from. See the insert in the back of this booklet for details.

1. **Express bus service:** Express buses operate between LaGuardia and JFK and NIA on fixed schedules.
2. **Limousine service:** Limousines are available for inter-airport connections on a daily, regularly scheduled basis.
3. **Taxi service:** Taxis are readily available outside the arrivals area at all terminals.
4. **Helicopter service:** Many airlines offer free or reduced-rate inter-airport transfer via helicopter. For more information, contact your airline representative or travel agent.

ONCE AN AMUSEMENT PARK, NOW... ONE OF THE WORLD'S BUSIEST AIRPORTS

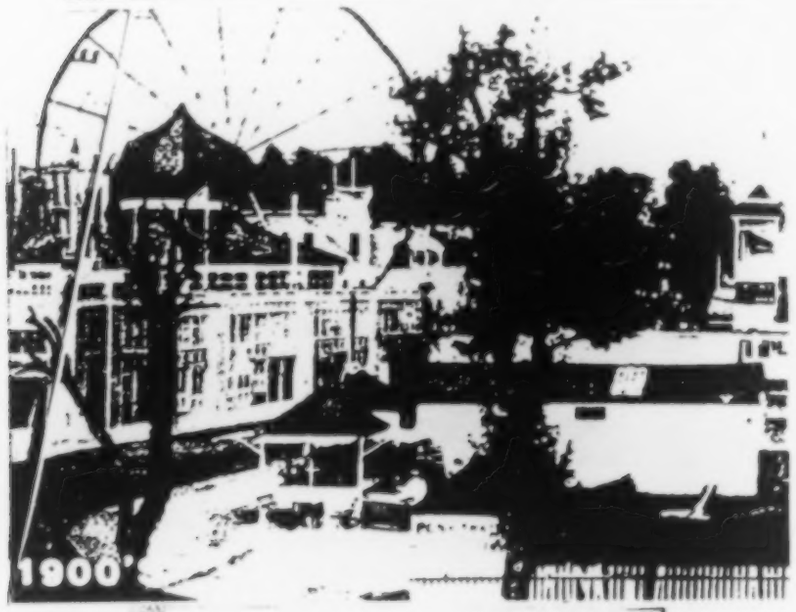
The present site of LaGuardia was first occupied by an amusement park. Transformed in 1929 into a 105-acre private flying field, it was later enlarged by purchasing adjoining land and filling in 357 acres of waterfront.

The airport bears the name of Fiorello H. LaGuardia, one of New York's most admired mayors who served from 1934 to 1945.

LaGuardia is located only 8 highway miles from midtown Manhattan.

Although it is only 650 acres in size, it handled 20 million passengers during 1985.

There are two main runways, each 7,000 feet long.



Almost 8,000 people are employed at LaGuardia to serve you.

LaGuardia has five passenger terminals: The Main Terminal accommodates most of the airport's flight activity; the Eastern Commuter Terminal is used by commuters for hourly flights to such destinations as Boston and Washington; and two new terminals have recently opened in the eastern section of the airport to meet the growing passenger demands of Eastern and Delta airlines; the Marine Air Terminal handles general aviation.

ABOUT THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY

LaGuardia Airport is operated by the Port Authority of New York and New Jersey.

Created in 1921, the Port Authority is a bi-state agency which undertakes port and regional improvements; provides dock facilities for the harbor shared by the states of New York and New Jersey; and, in general, promotes and operates trade and transportation projects to maintain the Port of New York/New Jersey's position as America's preeminent gateway in the world's most dynamic region.

ABOUT THE PUBLICATION

This booklet is produced by The Port Authority of New York and New Jersey in the public interest for the widest possible dissemination of useful information to air travelers. It is not copyrighted. We encourage reprinting in any appropriate form, including reproduction of this booklet in its entirety, or through adaption of the visuals or text.

Extra copies of this publication — as well as published guides to Newark International and Kennedy International Airports — can be obtained by writing to the Aviation Customer and Public Services Division, The Port Authority of New York and New Jersey, One World Trade Center, Room 65N, New York, NY 10048, or by telephoning *(212) 466-7503*.

Published by the Aviation Customer and Public Services Division, Aviation Department, The Port Authority of New York and New Jersey.

IN OUR POCKET

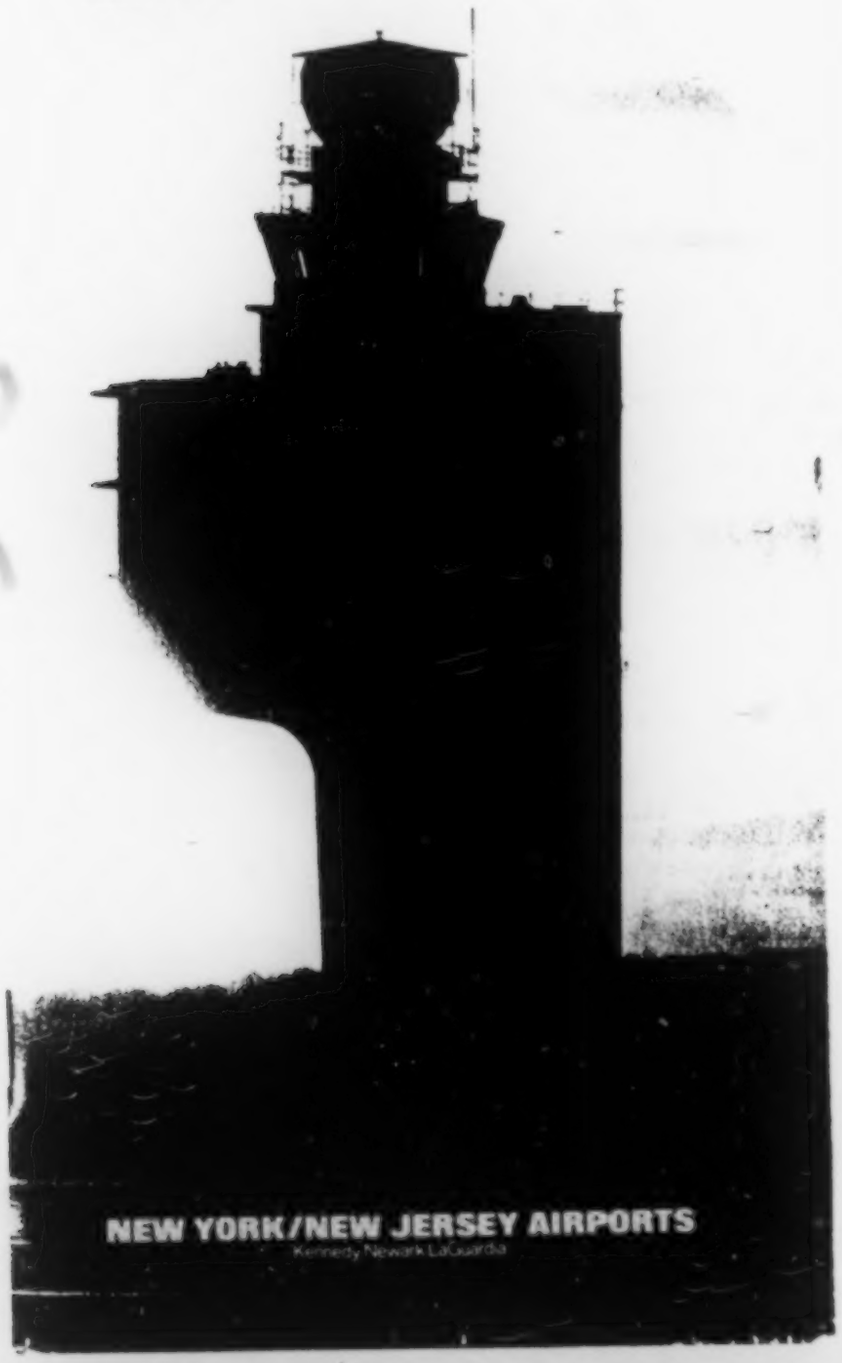
-

- How to get to, from and around LaGuardia
- Car rental information
- Parking lot information and rates
- Airline listing and locations
- Map of bus service to parking lots/terminals

EXHIBIT 10

GETTING AROUND AT NIA

A GUIDE TO NEWARK INTERNATIONAL AIRPORT



WELCOME!

Welcome to Newark International Airport. We hope you enjoy your stay.

Newark International Airport is constantly growing in order to serve you with convenient passenger and ground transportation services. Newark handled nearly 29 million passengers in 1985, making it one of the nation's fastest growing international airports.

Great strides are being made to keep up with this strong growth of air passenger and cargo traffic. Terminal C is currently being expanded so that by 1987 all passenger activity, including that currently at the North Terminal, will be handled in the Central Terminal Area. To satisfy the growing need for parking, new lots have been added and additional ones are planned. Plans are also underway to provide needed taxiways, roads and utilities to service the new buildings underway.

This Airport Guide has also been redesigned to better inform you and to help you find your way around our fast growing airport. In addition to the information offered in the following pages, please refer to the insert in the back pocket of the Guide. It contains the latest information about parking rates and ground transportation services.

Whether you're taking off or landing, we're happy to have you with us and hope you'll come this way again soon.

Sincerely,

Robert J. Aaronson
Director of Aviation
The Port Authority
of New York
and New Jersey

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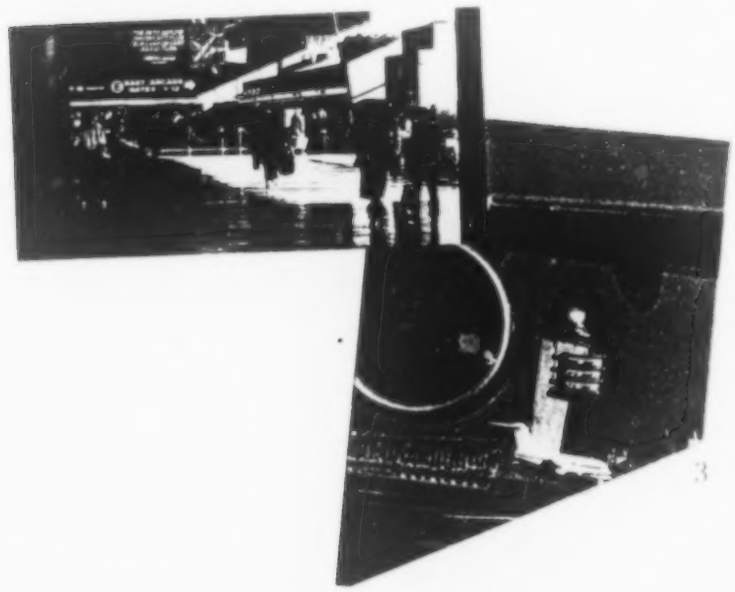
Cover photo by Chris Sorensen



NOW THAT YOU'VE LANDED . . .

INFORMATION FOR ARRIVING PASSENGERS ON INTERNATIONAL FLIGHTS

International flights requiring federal clearance arrive at Terminal C.

U.S. Immigration and Customs forms: While in flight, you will receive U.S. Immigration and Customs forms. To avoid delays, please fill out these forms *before you land*. And be sure to have your passport and health certificate in hand when you leave the plane.

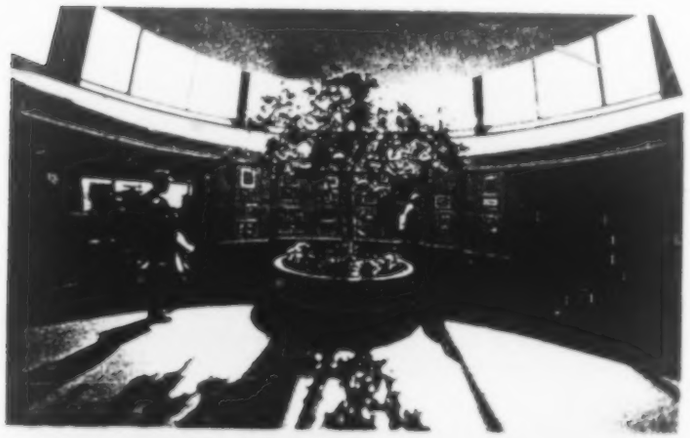
Non-U.S. residents: If you are not a U.S. resident, a review of your passport and other documents is required by the U.S. Public Health Service and the Immigration and Naturalization Service.

U.S. Customs: All international passengers — both U.S. residents and nonresidents — then proceed to the baggage claim area and to U.S. Customs. At Newark, U.S. Customs has devised special procedures to help speed you through.

- Green lines are for those having nothing to declare to U.S. Customs.
- Red lines are for those with meats, fruits, plants or large amounts of currency who are required to undergo baggage inspection. Because of occasional spot checks you may be required to pass through the Red line.

INFORMATION FOR ARRIVING PASSENGERS ON DOMESTIC FLIGHTS

Passengers on domestic flights exit the plane and proceed directly to the baggage claim area.



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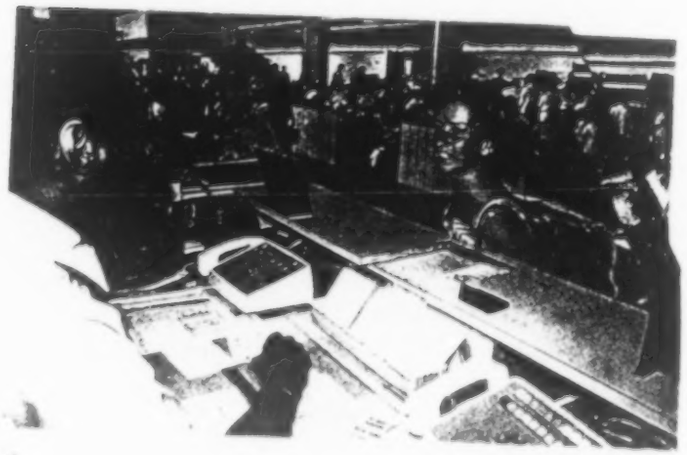
INFORMATION FOR PASSENGERS CATCHING ANOTHER FLIGHT

When you arrange in advance to have your baggage transferred, you're able to move about NIA more freely, quickly and conveniently. And you arrive at your destination feeling fresh rather than frazzled.

How to arrange it: To arrange for free baggage transfer at NIA, just follow these steps:

1. When purchasing your tickets, tell your travel agent or airline representative that you'd like your baggage transferred to your connecting flight. Be sure to confirm that you have been ticketed as an "interline connecting passenger."
2. Before departing, remind airline personnel ticketing your luggage that you want your baggage transferred to your connecting flight. An appropriate tag will then be affixed to your luggage.



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WHEN YOU'RE READY TO TAKE OFF . . .

INFORMATION FOR DEPARTING PASSENGERS

Please leave yourself enough time. To ensure ample time for parking, security screening and unanticipated delays, we urge you to arrive at your terminal at least one hour prior to the scheduled departure time of your flight.

When you arrive at NIA: Drop off your luggage at your airline's ticketing counter. Then proceed to the gate from which your flight is scheduled to depart.

Free baggage transfer service: If you're connecting to another flight at NIA, we urge you to take advantage of the free luggage transfer service offered by many airlines.

For everyone's security: To help ensure everyone's safety, the Federal Aviation Administration requires all passengers to undergo security screening. You must walk through a security device before boarding your flight and pass any hand-held baggage through an X-ray machine. (Caution: if you have unexposed film in your carry-on luggage, notify the guard at the security check point. Some X-ray devices may damage unexposed film.)

PASSENGER SERVICES AT NIA

Just in case you need any of the services below — here's where they're available.

INFORMATION SERVICES AND ASSISTANCE

Police: For general assistance, telephone (201) 961-2235. **In an emergency, telephone (201) 961-2233.**

Information: Information counters are located near doors 5 and 6 on the lower (arrivals) level in Terminals A and B, and next to exit door 8 in Terminal C. Staff provide accurate general information free of charge.

Ground Transportation: NIA's Ground Transportation Counters are located in the baggage claim areas of Terminals A and B, and next to door 8 on the lower (arrivals) level of Terminal C. Passengers using the North Terminal will find a Ground Transportation Counter staffed by Port Authority personnel next to door 1 in the bus waiting area.

HEALTH AND HUMAN SERVICES

Medical services: Private medical services are available at the Medical Clinic (Building 5) on Inner Port Street. Call (201) 961-2525.

Assistance for the disabled: It's always best to arrange *in advance* for the movement of a disabled person through the airport. When making your travel arrangements, notify your travel agent or airline representative if any member of your party has a disability and requires special assistance.

For information about NJ Transit's lift-equipped buses call 1-800-772-2287. For additional information concerning facilities for the disabled at NIA, telephone (201) 961-2154. A booklet, *Airport Facilities and Services for the Disabled*, detailing facilities at Kennedy International, LaGuardia and NIA, is available from the Port Authority of New York and New Jersey by calling (212) 466-7503.

Nursery facilities: Lounges containing changing tables and chairs are located in the women's restrooms on the concourse level in Terminals A and B and on the concourse level in the North Terminal.

Lost and found: To recover items lost aboard flights or in airline areas within terminals, contact your airline representative first. If your items cannot be located, call the main Lost and Found at (201) 961-2235.

Paging: You can have someone paged by calling the airline on which the passenger is arriving or departing.

PASSENGER CONVENIENCES

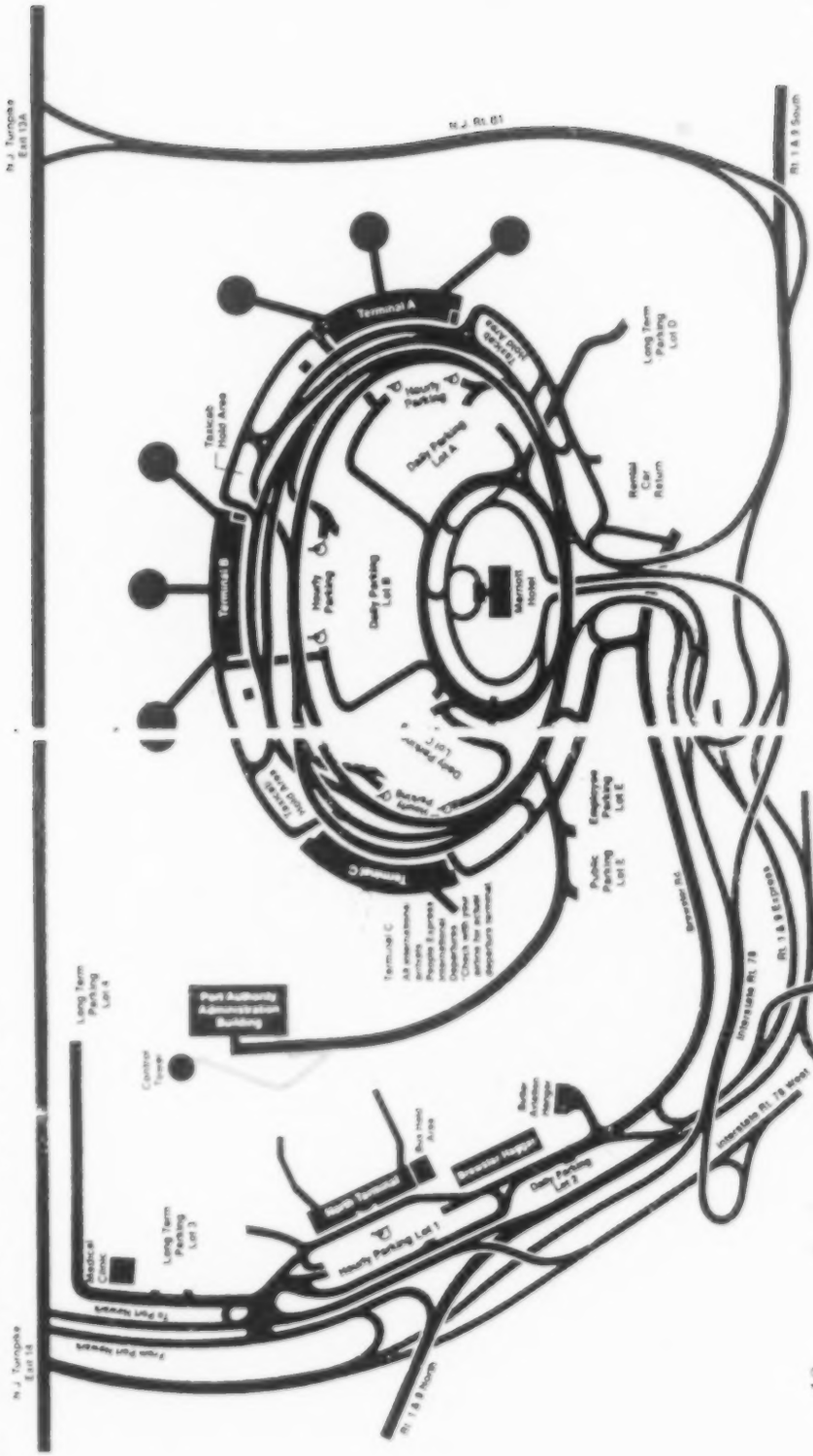
Banks, cash machines and foreign currency exchanges: These facilities are in most terminal buildings. For specific locations, consult the grid on page 14.

Baggage storage: Baggage lockers are located in Satellites B1, B2 and B3 of Terminal B. Luggage can be stored for a maximum of 24 hours at a charge of 50 cents.

On-site lodgings: The Newark International Airport Marriott is located in the Central Terminal Area and may be reached by calling (201) 961-2860. Other nearby hotels and motels may be reached through courtesy telephones conveniently located throughout the arrivals level in Terminals A and B and the North Terminal.

GOVERNMENT SERVICES

Postal Services: Mail slots and stamp vending machines are in Terminals A and B and the North Terminal.



NIA HIGHWAY/TERMINAL MAP

Services	Terminal A	Terminal B	Terminal C	North Terminal
	Terminal			
Bank	C	C		C
Barber	C	C		
Book/Gift Shop	C	C		C
Cafeteria	C	C	D	C
Car Rental Counters/Phones	A	A		C
Cash Machine	C			
Cocktails	C/S	C/S	D	C
Coffee/Snacks	C/S	C/S	D	C
Duty Free Shop		C	D	C
Elevator for Disabled For assistance call 961-2154	A/D/C	A/D/C		
Foreign Currency Exchange		C	D	C
Hotel Reservations Phones	A	A		
Ice Cream	C	C		C
Information Counter	A	A	A	C
Limo Counters/Phones	A	A		
Lockers		S		
Mail Slots	C	C		C
Newsstand/Smoke Shops	C/S	C/S	D	C
Nursery	C	C		C
Pay TV			D	
Pharmacy	C			
Stamp Machines	C	C		C
Shoeshine	C			C
Telegram	C	C	D	C
Ticketing	D	D		
Travelers Checks/ Vending Machine	C	C		
Travel Insurance	C/S	C		C

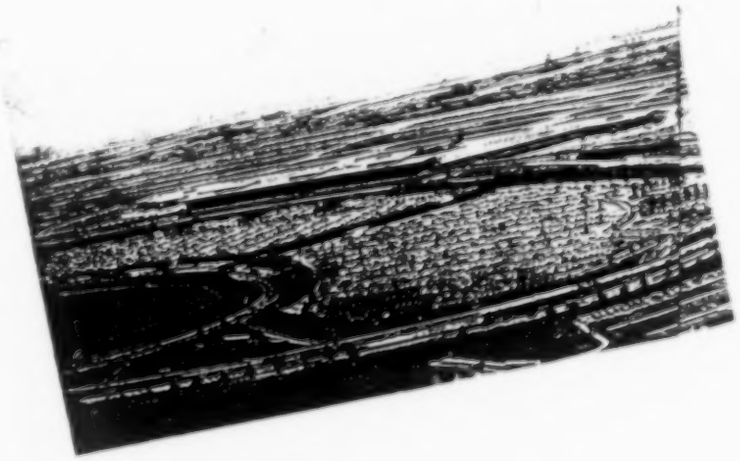
A = Arrivals Area
D = Departures Area
C = Concourse
S = Satellite Area

WHERE TO PARK YOUR CAR AT NIA

Where you park depends on how long you park. Lots are designated as hourly, daily and long term to suit your needs as described below. Parking lot rates and the schedule for the free parking lot bus can be found in the insert in the back of this booklet.

Hourly Lots: Hourly Lots A, B and C, in the Central Terminal Area, and Lot 1, across the street from the North Terminal, are intended for not more than three hours of parking and are primarily a convenience for picking up or dropping off passengers. *Note that this is the most expensive parking option available at NIA and, to keep spaces available for pickup and dropoff traffic, we must impose penalty fees for those parking for more than one day.*

Daily Lots: Daily Lots A, B and C, in the Central Terminal Area, and Lot 2, west of North Terminal, are intended for short term and/or overnight parking, usually for not more than 3 days.



Long-Term Reduced-Rate Lots: Long-Term Lots D and E, serving Terminals A, B and C, and Long-Term Lots 3 and 4, serving the North Terminal, are located on the airports outer boundaries. These lots offer reduced rates for the convenience of patron parking for more than three days. *Note that these are the least expensive of the parking options available, but are also located farthest from the terminals*. Free round-the-clock bus transportation is provided from these lots to the Central Terminal Area and the North Terminal. In some instances transfers may be required between parking lots and terminals. Refer to the insert at the back of this brochure.

Parking accommodations for disabled drivers: Reserved spaces specially designated for the disabled are available at reduced rates in Hourly Lots A, B and C immediately adjacent to Terminals A, B and C in the Central Terminal Area, and in Hourly Lot 1, across the street from the North Terminal. Only vehicles with appropriately marked license plates and/or municipal identification are eligible to park in these spaces. For additional information on parking and other airport services for the disabled, telephone (201) 961-2154 or write Aviation Customer and Public Services Division, The Port Authority of New York and New Jersey, One World Trade Center, Room 65N, New York, NY 10048.

If you're parking at NIA, dialing these telephone numbers can get you information or assistance, fast.

Current parking and roadway status (taped message) ..... *(201) 961-2012*
Parking operator ..... *(201) 961-4751*
Airport Auto Service ..... *(201) 961-5352*
Police ..... *(201) 961-2235*

When you park, take your car keys, registration and parking ticket with you. Lock your car. Don't leave items on your seat; lock them in the trunk. And remember, when you're driving, buckle your seat belt — it's the law.

MAJOR AUTO ACCESS ROUTES TO NIA

A - George Washington Bridge
B - Triborough Bridge
C - Lincoln Tunnel
D - Holland Tunnel
E - Brooklyn Battery Tunnel
F - Verrazano Narrows Bridge
G - Manhattan Bridge
H - Queens Midtown Tunnel
I - Whitestone Bridge
J - Goethals Bridge
K - Throgs Neck Bridge

Newark International Airport—immediately adjacent to the New Jersey Turnpike between exits 14 (north) and 13A (south). For the North Terminal, use exit #14. To terminals A, B or C use exit #13A.

HOW WE TAKE THE WALKING OUT OF FLYING AT NIA

GROUND TRANSPORTATION SERVICES

For prices, schedules and a listing of the companies offering the services listed below, consult the "Ground Transportation" section of the insert in the back pocket of this booklet.

WITHIN NIA

Free 24 hour bus service: If you're traveling between NIA's Central Terminal Area (Terminals A, B and C) and the North Terminal, take the brown and white connection bus on the upper (departures) level of Terminals A, B and C, outside doors 6 and 7, or from the bus loading area at the North Terminal. Buses providing quick connection service between Terminals A, B and C stop outside door 6 on the lower (arrivals) level.

Taxi service: Taxi stands are located on the lower (arrivals) level at Terminals A, B and C and at curbside in front of the North Terminal. Stands are attended during peak periods by a Taxi Dispatcher who will assist you.

Transportation for the disabled: A special van service is available to transport disabled individuals between terminals. This vehicle is equipped to accommodate disabled passengers and wheelchairs. Arrangements for use of this van should be made in advance through your airline or travel agent or through NIA's Terminal Services unit at (201) 961-2154.

TO AND FROM NIA

The listings that follow provide general information on ground and local air transportation services available to you at NIA. For additional information, refer to the insert in the back of this publication or consult personnel at NIA's Consolidated Ground Transportation Counters located in the North Terminal and on the lower (arrivals) level of Terminal C. Knowledgeable staff will assist you, providing schedules and specific drop-off points.

Bus service: Several companies within the tri-state region provide bus service to and from NIA. For an up-to-date listing of bus companies and areas served, see the insert in the back of this brochure.

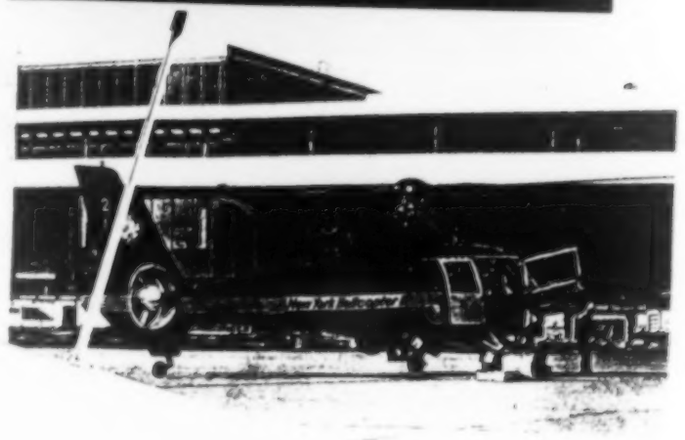
Airlink: Airlink mini-coaches connect Terminals A, B and C (stops on the lower or arrivals level) and the North Terminal with downtown Newark. Airlink runs a continuous schedule 18 hours a day and provides access to the New York/New Jersey area via eight rail lines and numerous bus routes operating from Penn Station, Newark.

Limousine service: Limousine and bus services offer single passengers or groups transportation in a wide array of vehicles — buses, vans, sedans, conference cars — to or from most destinations on a per person, hourly or flat rate. Ground Transportation Counters are located on the lower (arrivals) level in Terminals A, B and C and on the concourse level in the North Terminal.

Taxi service: You will find taxis available at taxi stands outside each terminal. Flat rate fares apply to all destinations and representative fares are posted at the taxi stands. From 8 a.m. to midnight, special "share and save" group fares are available for up to four passengers traveling to Manhattan. Information and assistance are available from the taxi dispatcher or police officer at each taxi stand.

Car rental service: Car rental counters are located on the lower (arrivals) level in Terminals A and B and on the concourse level in the North Terminal. When unattended, direct line telephones are available at these counters and in Terminal C. Avis, Budget, Dollar, Hertz and National have car rental facilities at NIA.

Helicopter service: Helicopter service is available between NIA and Kennedy International and LaGuardia airports.



TRANSPORTATION FROM NIA TO KENNEDY INTERNATIONAL AND LaGUARDIA AIRPORTS

If you want to reach Kennedy International or LaGuardia in a hurry, there are four convenient transfer services to choose from:

1. **Express bus service:** Express buses operate between NIA and Kennedy International and LaGuardia airports on fixed schedules.
2. **Limousine service:** Limousines are available for inter-airport connections on a regularly scheduled basis.
3. **Taxi service:** Please see "Taxi service" listing on page 22.
4. **Helicopter service:** Some airlines offer free or reduced-rate inter-airport transfer via helicopter. For more information, contact your airline representative.

FROM A PIONEERING PAST TO A SPLENDID PRESENT

Newark International Airport is one of the country's most modern and fastest growing airports.

NIA was the first commercial airport in the New York-New Jersey metropolitan area and has served the region since it first opened in 1928.

NIA is located in the heart of northern New Jersey's industrial center and is just 16 highway miles from mid-Manhattan. The airport is conveniently located on or accessible to virtually every major highway route in the region.

In addition to its beautiful, spacious terminals and a vast array of shops and services for the air traveler's convenience, NIA has some impressive statistics:

- NIA occupies 2,300 acres and has a working population of approximately 14,000.
- NIA's runways extend a total of 4.7 miles and are connected by more than 12 miles of taxiways.
- NIA's fuel storage facilities hold 10 million gallons of aviation fuel.
- A total of 28.6 million passengers traveled through NIA in 1985, making it the 8th busiest airport in the world.
- NIA, together with Kennedy International and LaGuardia airports, all operated by the Port Authority of New York and New Jersey, contribute $19 billion annually to the region's economic activity.

NIA is constantly growing and changing to serve you, our patrons, with a variety of conveniences, services and ground transportation.

We handled more than 28 million passengers in 1985 and we'd like to think we gave each one special care. If you have any suggestions as to how we can do it better, please write to:

The Port Authority of New York and New Jersey
Aviation Customer and Public Services Division
One World Trade Center — Room 65N
New York, NY 10048

ABOUT THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY

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Published by the Aviation Customer and Public Services Division, Aviation Department, The Port Authority of New York and New Jersey.

IN OUR POCKET

- How to get to, from and around NIA
- Car rental information
- Parking lot information and rates
- Airline listing and locations
- Airport map

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

INTERNATIONAL SOCIETY FOR KRISHNA CONSCIOUSNESS, INC., et al.,	:	75 Civ. 5388 (MJL)
Plaintiffs,	:	CIVIL RULE 3(g) STATEMENT OF DEFENDANT SUPERINTENDENT OF PORT AUTHORITY POLICE
-against-	:	
WALTER LEE, etc., et al.,	:	
Defendants.	:	

Pursuant to Rule 3(g) of the Civil Rules of the United States District Court for the Southern District of New York, defendant Superintendent of Port Authority Police submits the following:

A. STATEMENT OF CONTROVERTED FACTS

Defendant Superintendent of Port Authority Police submits the following statement controverting the Statement of Facts In Support of Motion for Summary Judgment dated November 11, 1987 submitted by plaintiffs (hereinafter "Plaintiffs' 3(g) Statement"):

1. Paragraph 8 of Plaintiffs' 3(g) Statement is incorrect insofar as it does not reflect the merger of Northwest Airlines and Republic Airlines, Inc. and of Ozark Airlines and Transworld Airlines, respectively.

2. Paragraph 18 of Plaintiffs' 3(g) Statement is incorrect insofar as it does not reflect the presence of the Flight Board on the mezzanine of the IAB.

3. Paragraphs 21 and 22 of Plaintiffs' 3(g) Statement is incorrect in their description of the facilities in the East Wing, second floor of the IAB. In the East Wing, second floor, the corridors are boarded by four duty-free shops, two bars, a snack bar, bank, currency exchange, bookstore, newsstand, a newsstand, cookie/candy shop, two travel insurance areas, and a retail Bloomingdales. The East Wing corridor also includes seating facilities, two free standing commercial advertising displays and two free standing public service advertising displays.

4. Paragraph 23 of Plaintiffs' 3(g) Statement is incorrect in its description of the facilities of the West Wing corridor of the IAB. The West Wing corridor is boarded by four duty free shops, a newstand, book store, currency exchange, a snack bar, cookie/candy shop, a cash/traveler's check machine, two bars and two travel insurance facilities. The corridor also contains seating areas, two free standing commercial advertising displays and one free standing public service advertising display.

5. Paragraph 27, second sentence, of Plaintiffs' 3(g) Statement is incorrect in its description of the facilities in the rear corridor of the Pan American unit terminal. In the rear corridor are two duty free shops, one currency exchange, a travel insurance facility, cocktail lounge, cafeteria, a toy shop, a bookshop, gourmet food shop, newsstand, restaurant, bank, and retail Bloomingdales.

6. Paragraph 32 of plaintiffs' 3(g) statement is incorrect in its description of the facilities located in the rear

corridor of the Northwest/Delta unit terminal. The rear corridor is bordered by two gift shops, a coffee shop, postal facility, newsstand, cutlery shop, restaurant/ lounge, cookie shop, shoeshine stand and two duty free shops.

7. Paragraph 34, fourth sentence, of Plaintiffs' 3(g) Statement is incorrect in its description of the facilities located in the corridor of the United unit terminal. Located in the corridor are two currency exchanges, one gift shop, one newsstand, one cocktail lounge, a duty free shop, restaurant, coffeeshop, bank, postal facility, shoeshine stand, travel insurance facility, and traveler's check/cash machine.

8. Paragraph 36, second sentence, of Plaintiffs' 3(g) Statement is incorrect in its description of the facilities located in the main departure level of the American Airlines unit terminal. The main departure level contains a ticketing/baggage check-in area, seating areas, and commercial establishments, including a bank, one restaurant, two snack counters, two gift shops, two traveler's check/ cash machines, a currency exchange, duty free shop, cocktail lounge, newsstand, and shoeshine stand.

9. Paragraph 39, third sentence, of Plaintiffs' 3(g) Statement is incorrect in its description of the facilities located in the back corridor of the British Airways unit terminal. The property is bordered by two cocktail lounges, a nursery, gift shop, duty free shop, newsstand, cookie/candy store, cafeteria, postal facility, travel insurance area, currency exchange, and a bank.

10. Paragraph 52, fifth sentence, of Plaintiffs' 3(g) Statement is incorrect in its description of the "AIDS

information table" in the central lobby area of the CTB. The area contains an "Apple Aide" information table. "Apple Aides" provide information to travelers.

11. Paragraph 53 of Plaintiffs' 3(g) Statement is incorrect in its description of the facilities in the fingers of the CTB. Located at the end of the four fingers are a newsstand, postal facility, currency exchange, snack bar, fruit and nut stand, duty free shop, lobster stand, package fruit stand, and traveler insurance facility.

12. Paragraph 56, the third sentence, of Plaintiffs' 3(g) Statement, is incorrect in its description of the facilities located on the third floor of the CTB. Airline clubs and airline offices are located on the third floor.

13. Paragraph 57, second sentence, of Plaintiffs' 3(g) Statement is incorrect in its description of the facilities of the Eastern Commuter Terminal. The Eastern Commuter Terminal contains no passenger service facility; it only contains ticket/baggage check in counters, boarding gate areas and baggage retrieval facilities.

14. Paragraph 58, third sentence, of Plaintiffs' 3(g) Statement, does not correctly describe the facilities on the arrivals level of the Eastern Shuttle Terminal. The arrivals level includes a baggage retrieval area, newsstand, cash machine, snack bar, car rental and hotel reservation counters, and a consolidated ground transportation counter for airport car, limousine and bus services.

15. Paragraph 60 of Plaintiffs' 3(g) Statement does not correctly describe the facilities on the arrivals level of the Delta/Northwest unit terminal. The arrivals level consists of a baggage retrieval area, car rental and hotel

reservation counters, and a consolidated ground transportation counter for airport car, limousine and bus service.

16. Paragraph 87, first sentence, of Plaintiffs' 3(g) Statement is incorrect. The aviation capital plan contemplates an expenditure of $3.2 million for new projects at La Guardia airport.

17. Paragraph 90, first sentence, of Plaintiffs' 3(g) Statement is incorrect. The real estate of the three airports, as well as the structures and improvements situated thereon, is owned by the cities of New York, Newark, New Jersey, and Elizabeth, New Jersey, and are held by the Port Authority pursuant to long term ground leases.

18. Paragraph 101 of Plaintiffs' 3(g) Statement is incorrect. The Port Authority advanced the funds necessary to construct the Northwest Airlines unit terminal at John F. Kennedy International Airport, and following completion of the construction, Northwest repaid the Port Authority at 5.5 percent interest per annum.

19. Paragraph 103 of Plaintiffs' 3(g) Statement is incorrect. The Port Authority advanced the funds necessary to construct the TWA unit terminal at JFK and following the completion of construction, TWA repaid the Port Authority at 5.5 percent interest per annum. British Airways constructed the British Airways unit terminal at JFK, and obtained funds therefor from a consortium called BIDL, Inc.

20. Paragraph 121, second sentence of Plaintiffs' 3(g) Statement is incorrect. That sentence should state as follows:

> "In common with other airlines, they lease, maintain, and operate concourse corners leading to departure gates."

21. Paragraph 128 of Plaintiffs' 3(g) Statement is incorrect. It should contain the phrase "except for exclusively leased areas" after "La Guardia Airport" and before "including" in the second line.

22. Paragraph 129, second sentence of the Plaintiffs' 3(g) Statement is incorrect. It should contain the phrase "except to the common corridor in the four concourses, excluding structural maintenance" between the words "repairs" and "replacements".

23. Paragraph 137, first sentence, of Plaintiffs' 3(g) Statement is incorrect. The sentence should state as follows:

> "Delta and Eastern Airlines may each select its own airport operator to manage its facilities in its La Guardia unit terminal, subject to Port Authority approval."

24. Paragraph 138, first sentence, of Plaintiffs' 3(g) Statement is incorrect. The phrase "and Eastern" should appear after the word "Delta".

25. Paragraph 140 of Plaintiffs' 3(g) Statement is incorrect. At Newark, at JFK wing, and the other terminals, a flat rental fee on space for travel insurance, newstand, and gift shop facilities is paid directly to lessees. The Port Authority receives a percentage of the gross

receipts generated by such facilities, up to an amount equal to the basic rental fee. The amount of the gross receipts fee exceeding the amount equal to the basic rental fee is divided equally by the Port Authority and the airline lessees.

26. Paragraph 143, first and second sentences, of Plaintiffs' 3(g) Statement are incorrect. The Port Authority does not maintain a restaurant in the common area. In areas not leased to airlines, the Port Authority arranges for contractors to provide supplemental consumer services such as newsstands, air transportation insurance, vending machines, and advertising displays if an airline desires such services.

27. Paragraph 147, first sentence of Plaintiffs' 3(g) Statement is incorrect. The first clause of the sentence should state as follows:

> "at the unit terminals and the central terminals at JFK, Newark and La Guardia,"

28. Paragraph 149, first sentence of Plaintiffs' 3(g) Statement is incorrect. The sentence should begin

> "at JFK, Newark and La Guardia, the Port Authority . . . "

B. STATEMENT OF FACTS AS TO WHICH THERE EXISTS NO ISSUE TO BE TRIED

Defendant Superintendent of Port Authority Police submits the following statement of material facts as to which he contends there is no issue to be tried:

29. The airport terminals that are under Port Authority control are the Central Terminal Building (hereinafter "CTB") of La Guardia, the Arrivals Building of the International Arrivals Building (hereinafter "IAB") of Kennedy, and the North Terminal at Newark. The other passenger terminals at the Port Authority airports are controlled by the airline tenants who lease those terminals. (Affidavit of Morris Sloane, sworn to on January 19,1988 (hereinafter "Sloane Aff."), ¶4)

30. Port Authority policy prohibits the continuous and repetitive distribution of literature and solicitation of money from passers-by in the airport terminals under Port Authority control. (Sloane Aff., ¶5)

31. Despite the Port Authority policy stated in Paragraph 30, pursuant to agreement between plaintiffs and the Port Authority entered into in open court before United States District Judge Robert L. Carter in 1974, the Port Authority permits leafleting and solicitation in the terminals under Port Authority control to grant plaintiffs access to those terminals *pendent lite*. The Port Authority permits leafleting and solicitation from 9:00 A.M. to 9:00 P.M. in the main lobby of the second floor of the CTB, on the second floor of the Arrivals Building of the IAB, and on the entire concourse of the Main Terminal of the North Terminal at Newark. (Sloane Aff., ¶6)

32. The Port Authority does not have the right to impose, and does not impose, restrictions on non-commercial leafleting and solicitation in airline terminal space leased to airlines. (Sloane Aff., ¶7)

33. Airport-wide restrictions on commercial activity are not applicable to non-commercial activity. (Sloane Aff., ¶7)

34. Members of the Port Authority police force neither patrol nor are stationed in the portions of the airline leased areas to which the plaintiffs seek entry. Port Authority police are only required to respond to screening check points in those areas pursuant to Federal Aviation Administration Regulations. (Sloane Aff., ¶8)

35. The Port Authority cannot impose upon the airline lessees rules regarding what non-commercial, non-airline activity may or may not be conducted in space within each airline's control. (Sloane Aff., ¶9)

36. Each airline is responsible for conducting operations in its leased space. (Sloane Aff., ¶9)

37. Each airline is responsible for maintaining security under the Federal Aviation Administration Regulations in Parts 107, 108 and 129 of Title 14 of the Code of Federal Regulations. (Sloane Aff., ¶9)

38. The Port Authority has the right to object to activity in leased space that creates conditions that are safety hazards or that interfere with operations. (Sloane Aff., ¶9)

39. The only purpose of all three of the Port Authority airports is the facilitation of air passenger and air cargo transportation. (Sloane Aff., ¶11)

40. The only purpose of the passenger terminals at the Port Authority airports that are the subject of this lawsuit is the facilitation of passenger air travel. (Sloane Aff., ¶12)

41. All planning and operational decisions that are made with regard to the Port Authority airport terminals are directly or indirectly related to effectuating the safe, efficient and convenient movement of departing and arriving passengers to and from aircraft. (Sloane Aff., ¶12)

42. Decisions regarding the number and location of boarding gates, placement of ticket counters, providing passenger information, the number and types of consumer services at Port Authority airports all have as their goal assisting the air passenger to reach his or her destination as quickly as possible, and to make any time spent in the terminal as convenient and pleasant as possible. (Sloane Aff., ¶12)

43. Port Authority airport operations are financed by user fees, not by the general tax revenues of any state, county or city. These user fees are rentals paid by airline tenants (such as the airline defendants in this suit), landing, terminal and ramp gate fees paid by individual and corporations for use of the airports by itinerant and lessee aircraft, fees paid by ground transportation providers (such as auto rental agencies and limousine services), fees paid by providers of other passenger services (such as restaurants and shops), and fees paid directly by air passengers (such as parking lot fees). (Sloane Aff., ¶13)

44. The Port Authority, which has no power to levy or collect taxes and whose financial obligations are not guaranteed by any other government body, must operate as a self-sustaining enterprise. The Port Authority must raise the funds necessary for the improvement, construction or acquisition of its facilities by reliance upon its

reserve funds and its future revenues. In the past, such moneys have been supplemented in certain cases by federal and state contributions. (Sloane Aff., ¶14)

45. The Port Authority raises funds for capital improvements through the sale of consolidated revenue bonds. However, airport revenues are sufficient to cover all airport operating and capital expenses. (Sloane Aff., ¶15)

46. The limited portion of airport capital funds received from the federal government are grant monies derived from airport user fees pursuant to the relevant statutes in Titles 26 and 49 of the United States Code. (Sloane Aff., ¶16)

47. The airport terminal concourses are designed to facilitate the movement of departing passengers and their baggage into the airport terminals, to their ticketing/check-in facilities, and to their boarding gates and onto their airplanes; similarly, airports are designed to facilitate the movement of arriving air passengers out of their airplanes, into the terminals, to the baggage claim area and onto ground transportation vehicles. Concourses are designed to permit the quickest possible movement from the point of the passenger's arrival at the airport, by ground or air, to his or her point of departure. (Sloane Aff., ¶17)

48. A pedestrian delay of minutes or even seconds can cause a traveler to incur substantial loss in travel time, and possibly additional costs, because of a missed plane. (Sloane Aff., ¶17)

49. Airport pedestrian congestion is the Port Authority airports' single greatest problem. (Sloane Aff., ¶20)

50. Many of the concourses in the existing terminals at the Port Authority airports were designed before the development and use of wide body aircraft. (Sloane Aff., ¶18)

51. Passenger terminals at Port Authority airports that were designed before the development and use of wide body aircraft are overloaded with pedestrians during peak hours to handle the enormous surges of passengers from these huge aircraft. (Sloane Aff., ¶18)

52. Pedestrian routes in airports are heavily congested during peak travel hours, and the timing and duration of these peak periods are subject to considerable fluctuation. Generally speaking, the peak usage periods at Kennedy are 3:00 to 10 P.M.; the peak usage periods at LaGuardia are 7:00 to 10:00 A.M. and 3:00 to 9:00 P.M.; and the peak usage periods at Newark are 8:00 A.M. to 10:00 A.M. and 5:00 to 10:00 P.M. These peak periods are subject to being lengthened and changed because of weather conditions, mechanical difficulties in aircraft, airline hubbing activities and other factors. (Sloane Aff., ¶19)

53. The introduction of, and increase in use of, large capacity aircraft since the construction of the terminals at the Port Authority airports has resulted in a continuing and growing pedestrian congestion problem. (Sloane Aff., ¶19)

54. In 1985, a Port Authority's staff evaluation analysis of expansion plans for the IAB indicated that the existing IAB lobby serves as a meeter/greeter waiting area and an information center. It also provides access to a variety of transportation modes. This creates excessive crossflows, confusion, and crowding to the point that the operation is severely hindered during the peak hours. The current IAB Interim Improvement Program would alleviate some of the problems noted above but the existing 20,000 square foot lobby could never provide the level of service which would be provided by the 48,000 square foot lobby recommended for the projected 50% increase in the peak hour occupancy. (Sloane Aff., ¶20)

55. Due to landside congestion, the Port Authority adopted a "perimeter" rule at La Guardia, its smallest airport. The perimeter rule cuts down on landside congestion by prohibiting the congestion inducing long haul passenger aircraft from using La Guardia airport. Generally speaking, the rule prohibits any flight to or from La Guardia whose proximate origin or destination is more than 1500 miles from La Guardia. A complete statement of the nature and purpose of the perimeter rule is set forth in detail in *Western Airlines, Inc. v. Port Authority*, 658 F. Supp. 952 (S.D.N.Y. 1986), *aff'd*, 817 F.2d 222 (2d Cir. 1987), *pet. for cert. filed sub nom, Delta Air Lines, Inc. v. Port Authority*, No. 87-333. (Sloane Aff., ¶21)

56. Airport congestion has caused the Port Authority to plan extensive capital alterations to its airports. These improvements will require the expenditure of a projected $2.4 billion for the period of 1987-1991, and additional monies thereafter. (Sloane Aff., ¶22)

57. The sole purpose of the planned capital improvements to Port Authority airports is to reduce landside congestion and facilitate pedestrian movement within the passenger terminals at the Port Authority airports. (Sloane Aff., ¶22)

58. The Port Authority airport terminals contain "captive audiences" at virtually every location where people can congregate. (Sloane Aff., ¶23)

59. Persons waiting in an airline terminal for an airplane to arrive or leave normally remain in a specific waiting area. (Sloane Aff., ¶23)

60. Persons waiting to purchase airline tickets, to pick up baggage, to make car rental or other ground transportation arrangements, to go through security checks, at telephones, and at eating concessions, tend to remain in the area in which they are located to complete their transaction. (Sloane Aff., ¶23)

61. Each of the Port Authority's airports is isolated from the surrounding community by highways. (Sloane Aff., ¶24)

62. The airport terminal concourses are not used as thoroughfares to or from destinations within the surrounding communities, nor as gathering places for community activities.(Sloane Aff.,¶24)

63. Virtually all of the persons in the airport terminals are passengers, "meeters and greeters", or employees of airlines, of airline contractors, of the Port Authority, of the federal inspection services, or other airport-related businesses or enterprises for travel-related purposes. (Sloane Aff., ¶24)

64. Air travel passengers comprise 80% of the persons in the airport terminals, "meeters and greeters" comprise 15%, and employees of airlines and other airport related businesses comprise 5%. (Sloane Aff., ¶24)

65. Airports, including the Port Authority airports, have unique security concerns. The history of skyjacking and other forms of terrorism at airports, including the 1975 bombing at La Guardia Airport which caused the death of 11 people and injured 72 people, necessitates the maintenance of security precautions found in few places in our society, including the mandatory screening of air passengers, as required by Parts 107, 108, 109 and 129 of Title 14 of the Code of Federal Regulations, as amended by 52 Fed. Reg. 48508 (December 22, 1987). (Sloane Aff., ¶25)

Dated: New York, New York
January 19, 1988

Respectfully submitted,

PATRICK J. FALVEY
Attorney for Defendant
Superintendent of
Port Authority Police
One World Trade Center – 66E
New York, New York 10048
(212) 466-8794

By: /s/ Arthur P. Berg
ARTHUR P. BERG

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

INTERNATIONAL SOCIETY FOR KRISHNA CONSCIOUSNESS, INC. et al., Plaintiffs, -against- WALTER LEE, etc., et al., Defendants.	75 Civ. 5388 (MJL) AFFIDAVIT IN OPPOSITION TO PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT OR IN THE ALTERNATIVE FOR PRELIMINARY INJUNCTION

COUNTY OF NEW YORK :
ss:
STATE OF NEW YORK :

MORRIS SLOANE, being duly sworn, says:

1. I am presently Director of the Aviation Operations for the Aviation Department of the Port Authority of New York and New Jersey (hereinafter after called "the Port Authority"). From December 1973 to September 1987 I was deputy Director of the Aviation Department.

2. I submit this affidavit in opposition to plaintiffs' motion for summary judgment and a permanent injunction or, in the alternative, for a preliminary injunction prohibiting the enforcement of the policy on the distribution of literature and solicitation of money applicable to the passenger terminals controlled by Port Authority in John F. Kennedy International Airport (hereinafter "Kennedy"), LaGuardia Airport (hereinafter "LaGuardia"),

and Newark International Airport (hereinafter "Newark"). (Hereinafter, the three airports will be collectively referred to as "the Port Authority airports".)

3. From 1973 to the present, my responsibilities have included overall management of the day-to-day operations of the Port Authority airports. In the context of the Port Authority airports, "operations" refers to the movement of passengers and vehicles into and out of the airports, and the continuous traffic, maintenance, and security functions attendant thereto. In supervising airport operations, I must constantly acquire, update and apply my knowledge of how the Port Authority airports actually function to facilitate the safe, efficient and convenient movement of passengers and cargo to their destinations. In addition, I must acquire, update and apply my knowledge of how the ancillary passenger and airport services function. In fulfilling my responsibilities, I have participated in and reviewed decisions regarding the planning and design of Port Authority airport terminals, and the financing of airport operations and capital improvements. My position requires that I be aware of relevant airport industry policies, practices and experiences, and I have gained and used such knowledge in the course of my career.

4. The airport terminals that are under Port Authority control are the Central Terminal Building (hereinafter "CTB") of La Guardia, the Arrivals Building of the International Arrivals Building (hereinafter "IAB") of Kennedy, and the North Terminal at Newark. The other passenger terminals at the Port Authority airports are controlled by the airline tenants who lease those terminals.

5. Port Authority policy prohibits the continuous and repetitive distribution of literature and solicitation of money from passers-by in the airport terminals under Port Authority control.

6. Pursuant to agreement between plaintiffs and the Port Authority entered into in open court before United States District Judge Robert L. Carter in 1974, the Port Authority permits leafleting and solicitation in the terminals under Port Authority control to grant plaintiffs access to those terminals *pendent lite*. The Port Authority permits leafleting and solicitation from 9:00 A.M. to 9:00 P.M. in the main lobby of the second floor of the CTB, on the second floor of the Arrivals Building of the IAB, and on the entire concourse of the main Terminal of the North Terminal at Newark.

7. The Port Authority does not have the right to impose, and does not impose, restrictions on non-commercial leafleting and solicitation in airline terminal space leased to airlines. Airport-wide restrictions on commercial activity are not applicable to non-commercial activity, such as the activity which is the subject of this lawsuit. I respectfully remind the Court that United States District Judge Mary Johnson Lowe found in her July 21, 1982 Opinion and Order, at page 22 that,

> "the lengthy record in this case establishes conclusively that the disputed regulations do *not* [emphasis in original] apply to noncommercial activities of plaintiffs in any part of the airport property."

8. Members of the Port Authority police force neither patrol nor are stationed in the portions of the airline

leased areas to which the plaintiffs seek entry. Port Authority police are only required to respond to screening check points in those areas pursuant to Federal Aviation Administration Regulations.

9. The Port Authority cannot impose upon the airline lessees rules regarding what non-commercial, non-airline activity may or may not be conducted in space within each airline's control because: The airline is the lessee for that space; the airline paid for and supervised the construction of that space, in some instances; the airline is the only party who has the responsibility for conducting operations in that space, the airline is responsible for maintaining security under the Federal Aviation Administration Regulations in Parts 107, 108 and 129 of Title 14 of the Code of Federal Regulations. Pursuant to the leases with the airlines, the Port Authority only has the right to object to activity that creates conditions that are safety hazards or that interfere with operations. My deposition testimony and the deposition testimony of various airline witnesses corroborate the exercise of such control by the airlines.

10. I am informed by counsel that the Port Authority airport terminals have been compared by plaintiffs to city streets, parks and public squares. The Port Authority airport terminals are completely dissimilar to city streets, parks and public squares, because unlike city streets they are devoted to the single purpose of facilitating air travel. This purpose is reflected in the airport terminals' financing, planning, conditions of congestion, creation of "captive audiences", isolation from the surrounding communities and virtually unique security problems.

11. The only purpose of all three of the Port Authority airports is the facilitation of air passenger and air cargo transportation.

12. The sole purpose of the passenger terminals at the Port Authority airports that are the subject of this lawsuit is the facilitation of passenger air travel. All planning and operational decisions that are made with regard to the Port Authority airport terminals are directly or indirectly related to effectuating the safe, efficient and convenient movement of departing and arriving passengers to and from aircraft. Decisions regarding the number and location of boarding gates, placement of ticket counters, providing passenger information, the number and types of consumer services all have as their goal assisting the air passenger to reach his or her destination as quickly as possible, and to make any time spent in the terminal as convenient and pleasant as possible.

13. Port Authority airports differ from streets and parks in that the airports' operations are financed by user fees, not by the general tax revenues of any state, county or city. These user fees are rentals paid by airline tenants (such as the airline defendants in this suit), landing, terminal and ramp gate fees paid by individual and corporations for use of the airports by itinerant and lessee aircraft, fees paid by ground transportation providers (such as auto rental agencies and limousine services), fees paid by providers of other passenger services (such as restaurants and shops), and fees paid directly by air passengers (such as parking lot fees).

14. The Port Authority, which has no power to levy or collect taxes, and whose financial obligations are not

guaranteed by any other government body, must operate as a self-sustaining enterprise. The Port Authority must raise the funds necessary for the improvement, construction or acquisition of its facilities by reliance upon its reserve funds and its future revenues. In the past, such moneys have been supplemented in certain cases by federal and state contributions.

15. The Port Authority raises funds for capital improvements through the sale of consolidated revenue bonds. However, airport revenues are sufficient to cover all airport operating and capital expenses.

16. The limited portion of airport capital funds received from the federal government are grant monies derived from airport user fees pursuant to the relevant statutes in Titles 26 and 49 of the United States Code.

17. The pedestrian circulation and congestion characteristics of the Port Authority airports' passenger terminals also reflect the differences between city streets and the Port Authority airports. The airport terminal concourses are designed to facilitate the movement of departing passengers and their baggage into the airport terminals, to their ticketing/check-in facilities, and to their boarding gates and onto their airplanes; similarly, airports are designed to facilitate the movement of arriving air passengers out of their airplanes, into the terminals, to the baggage claim area and onto ground transportation vehicles. Concourses are designed to permit the quickest possible movement from the point of the passenger's arrival at the airport, by ground or air, to his or her point of departure. A pedestrian delay of minutes or even seconds can cause a traveler to incur substantial

loss in travel time, and possibly additional costs, because of a missed plane.

18. Many of the concourses in the existing terminals at the Port Authority airports were designed before the development and use of wide body aircraft, and those terminals are "bursting at the seams" during peak hours to handle the enormous surges of passengers from these huge aircraft.

19. Pedestrian routes in airports are heavily congested during peak travel hours, and the timing and duration of these peak periods are subject to considerable fluctuation. Generally speaking, the peak usage periods at Kennedy are 3:00 to 10 P.M.; the peak usage periods at LaGuardia are 7:00 to 10:00 A.M. and 3:00 to 9:00 P.M.; and the peak usage periods at Newark are 8:00 A.M. to 10:00 A.M. and 5:00 to 10:00 P.M. These peak periods are subject to being lengthened and changed because of weather conditions, mechanical difficulties in aircraft, airline hubbing activities and other factors.

20. Airport pedestrian congestion is the Port Authority airports' single greatest problem. The introduction of, and increase in use of, large capacity aircraft since the construction of the terminals at the Port Authority airports has resulted in a continuing and growing pedestrian congestion problem. For instance, in 1985, a Port Authority's staff evaluation analysis of expansion plans for the IAB indicated that the existing IAB lobby serves as a meeter/greeter waiting area and an information center. It also provides access to a variety of transportation modes. This creates excessive crossflows, confusion, and

crowding to the point that the operation is severely hindered during the peak hours. The current IAB Interim Improvement Program would alleviate some of the problems noted above but the existing 20,000 square foot lobby could never provide the level of service which would be provided by the 48,000 square foot lobby recommended for the projected 50% increase in the peak hour occupancy.

21. Due to landside congestion, the Port Authority adopted a "perimeter" rule at La Guardia, its smallest airport. Briefly, the perimeter rule cuts down on landside congestion by prohibiting the congestion inducing long haul passenger aircraft from using La Guardia airport. Generally speaking, the rule prohibits any flight to or from La Guardia whose proximate origin or destination is more than 1500 miles from LaGuardia. (The nature and purpose of the perimeter rule is set forth in detail in *Western Airlines, Inc. v. Port Authority*, 658 F. Supp. 952 (S.D.N.Y. 1986), *aff'd*, 817 F.2d 222 (2d Cir. 1987), *pet. for cert. filed sub nom, Delta Air Lines, Inc. v. Port Authority*, No. 87-333.)

22. Airport congestion has caused the Port Authority to plan extensive capital alterations to its airports. The sole purpose of these improvements, which will require the expenditure of a projected $2.4 billion for the period of 1987-1991, and additional monies thereafter, is to reduce landside congestion and facilitate pedestrian movement within the passenger terminals at the Port Authority airports.

23. Another characteristic of the Port Authority airport terminals which distinguish them from city streets

and parks resulting from their purpose of facilitating air transportation is that they contain "captive audiences" at virtually every location where people can congregate. Persons waiting for an airplane to arrive or leave normally remain in a specific waiting area. Similarly, persons waiting to purchase airline tickets, to pick up baggage, to make car rental or other ground transportation arrangements, to go through security checks, at telephones, and at eating concessions, tend to remain in the area in which they are located to complete their transaction.

24. The Port Authority airport terminals are also dissimilar to city streets, parks and public squares because each of the Port Authority's airports is isolated from the surrounding community by highways. Consequently, persons either use the airport concourses as thoroughfares to or from destinations within the surrounding communities, nor use them as gathering places for community activities. Virtually all of the persons in the airport terminals are passengers, "meeters and greeters", or employees of airlines, of airline contractors, of the Port Authority, of the federal inspection services, or other airport-related businesses or enterprises for travel-related purposes. According to the Port Authority surveys, air travel passengers comprise 80% of the persons in the airport terminals, "meeters and greeters" comprise 15%, and employees of airlines and other airport related businesses comprise 5%.

25. A final additional characteristic of the Port Authority airports that makes them dissimilar to public streets or parks is the airports' unique security concerns. The history of skyjacking and other forms of terrorism at

airports, including the 1975 bombing at La Guardia Airport which caused the death of 11 people and injured 72 people, necessitates the maintenance of security precautions found in few places in our society, including the mandatory screening of air passengers, as required by Parts 107, 108, 108 and 129 of Title 14 of the Code of Federal Regulations. Parts 108 and 129 were amended December 21, 1987 to increase security requirements by further limiting access to boarding gate areas, as set forth at 52 Fed. Reg. 48508 (December 22, 1987). I anticipate further security requirements to be imposed by the federal Aviation Administration.

26. Pursuant to the agreement entered into with plaintiffs to grant them access, pending the conclusion of this litigation, to the terminals controlled by the Port Authority, the Port Authority currently permits leafleting and solicitation in certain areas of the terminals controlled by the Port Authority subject to time, place and manner restrictions.

27. The time, place and manner restrictions applicable to the Port Authority controlled terminals in effect presently and for the duration of this litigation have been extended to everyone, and no person or group has challenged these rules as invalid. I have reviewed plaintiffs' submission in support of their motion and find no claim or evidence challenging the validity of the time, place and manner restrictions presently applicable to Port Authority controlled space.

28. The Port Authority's time, place and manner restrictions in effect pursuant to the interim agreement with plaintiffs give those engaged in the non-commercial

distribution of literature and solicitation of money access to the greatest number of persons patronizing the public areas controlled by the Port Authority at these airports. For example, at the Arrivals Building of the IAB, First Amendment activities are permitted on the second floor through which area most airport visitors traverse to view the Flight Board and obtain information on the arriving and departing flights. This area also leads to the restaurants, snack bars, gift shops, observation decks and duty free areas. At the CTB of LaGuardia, First Amendment activities are permitted at the main lobby of the CTB where passengers and visitors must enter in order to use all airport facilities. Finally, the entire concourse of the main building of the North Terminal at Newark is open to leafleting and solicitation.

29. The only areas from which the First Amendment activities are excluded under the interim agreement are those congested areas where First Amendment activities would unquestionably interfere with airport operations. Such areas include check-in and ticketing areas where lines of departing passengers form, baggage carousels and arrival areas, where pedestrian flow would be hampered, waiting areas that contain "captive audiences", and corridor areas where interference with pedestrian flow would present safety and operational problems.

30. I have reviewed the part A of the Civil Rule 3(g) Statement of the Defendant Superintendent of Port Authority Police and state that it is correct.

/s/ Morris Sloane
MORRIS SLOANE

Sworn to before me, this
19th day of January, 1988.

/s/ Arnold D. Kolikoff
NOTARY PUBLIC

ARNOLD D. KOLIKOFF
Notary Public, State of New York
No. 24-4834667
Qualified in Kings County
Commission Expires June 30, 1989

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

INTERNATIONAL SOCIETY FOR KRISHNA CONSCIOUSNESS, INC., et al., Plaintiffs, -against- WALTER LEE, et al., Defendants.	75 Civ. 5388 (MJL) AFFIDAVIT OF ANTHONY A. SANTANGELO IN OPPOSITION TO THE MOTION FOR SUMMARY JUDGMENT

STATE OF NEW YORK :
ss:
COUNTY OF NEW YORK :

ANTHONY A. SANTANGELO, being sworn, deposes and says:

1. I am House counsel for Lufthansa German Airlines ("Lufthansa") for North and Central America and have held that position since March 22, 1971. I am fully familiar with the facts set forth herein. I make this affidavit in opposition to the motion for summary judgment made by plaintiffs.

2. Lufthansa leases its premises in the east wing building at JFK International Airport from the Port Authority of New York and New Jersey (the "Port Authority"). The east wing and west wing building are buildings connected to the International Arrivals Building ("IAB"). Lufthansa's premises consist of passenger

and baggage check-in areas, a passengers lounge and waiting areas, ticket counters and private offices. In addition, Lufthansa has rights, as tenants-in-common with other foreign air carriers, to certain concourse areas, hallways and departure gates.

3. When Lufthansa leased these premises from the Port Authority, the premises were unfinished. Lufthansa spent substantial sums of its own money for the construction of counters, stairways, escalators, conveyors and other appurtenances in order to make the premises suitable for Lufthansa's operations. In addition, Lufthansa is responsible for the overall operation and management of its premises at JFK, including all maintenance, renovation and repair. Lufthansa pays for all utilities and all other services provided to its premises.

4. The aforesaid rights and obligations of Lufthansa are set forth in a lengthy lease negotiated by Lufthansa with the Port Authority. The lease provides that Lufthansa is entitled to the *exclusive* use and possession of the leased premises. Lufthansa is obligated to pay rent and to pay for all services performed by the Port Authority in the leased premises.

5. Lufthansa has a policy which prohibits anyone, including plaintiffs, from distributing literature or soliciting contributions in Lufthansa's premises where such activities would be disruptive of Lufthansa's business operations. Lufthansa operates its facility for the use of its passengers, customers and business invitees and in furtherance of its business of supplying international air transportation services. The use of Lufthansa's premises

by plaintiffs to distribute literature and solicit contributions would substantially impair its use by Lufthansa and its passengers for air transportation purposes, the use for which Lufthansa has expended and continues to expend substantial sums of its own money.

WHEREFORE, it is respectfully requested that the plaintiffs' motion for summary judgment be denied in its entirety.

/s/ Anthony Santangelo
ANTHONY A. SANTANGELO
Sworn to before me this 16th day of January, 1988

/s/ Alan A. D'Ambrosio
NOTARY PUBLIC

ALAN A. D'AMBROSIO
all illegible
April 30, 1989

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

INTERNATIONAL SOCIETY FOR KRISHNA CONSCIOUSNESS, INC., et al., Plaintiffs, vs. WALTER LEE, et al., Defendants.	75 Civ. 5388 (MJL) AFFIDAVIT OF WILLIAM H. BOICE

STATE OF GEORGIA)
)
COUNTY OF FULTON)

WILLIAM H. BOICE, being duly sworn, deposes and says:

1. I am a member of Kilpatrick & Cody, attorneys for certain defendants herein. I make this Affidavit in support of the Memorandum of Air Canada Group Defendants in Opposition to Motion for Summary Judgment, which opposes the Motion of the Plaintiffs for Summary Judgment dated November 11, 1987.

2. Plaintiffs' motion for summary judgment asserts that the Plaintiffs have demonstrated that there are no disputed issues of any material fact and that they are entitled to judgment as a matter of law on their claim that

the policies of airlines prohibiting solicitation of contributions or distribution of literature within the airlines' terminals at JFK, La Guardia, and Newark International Airports are unconstitutional.

For the reasons set forth in the accompanying Memorandum of Air Canada Group Defendants in Opposition to Motion for Summary Judgment, the court should deny Plaintiffs' motion. Analysis of the character of the relevant forums and bases for the restrictions applied by each airline demonstrates that each airline's terminal at each airport is a nonpublic forum and, further, that each airline's policy is a reasonable, viewpoint-neutral restriction that is not prohibited by the First Amendment.

Attached hereto as Exhibit A is a true and correct copy of the Memorandum of Air Canada Group Defendants in Opposition to Motion for Summary Judgment.

Attached hereto as Exhibit B is a true and correct copy of the Air Canada Group Defendants' Response to Plaintiffs' Statement of Facts in Support of Motion for Summary Judgment.

Attached hereto as Exhibit C is a true and correct copy of the Certificate of Service for Air Canada Group Defendants' Response to Plaintiffs' Statement of Facts in Support of Motion for Summary Judgment and Memorandum of Air Canada Group Defendants in Opposition to Motion for Summary judgment dated January 18, 1988.

/s/ William H. Boice
William H. Boice

Sworn to and subscribed
before me this 18th day
of January, 1988, and
notarized by me on said
date.

/s/ Sarah Howard
Notary Public

My commission expires:

Notary Public, Georgia State at Large
My Commission Expires November 7, 1989

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

INTERNATIONAL SOCIETY FOR KRISHNA CONSCIOUSNESS, INC., *et al.*, Plaintiffs, – against – WALTER LEE, *et al.*, Defendants.	75 Civ. 5388 (MJL) AIR CANADA GROUP DEFENDANTS' RESPONSE TO PLAINTIFFS' STATEMENT OF FACTS IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT

Pursuant to S.D.N.Y. Local Rule 3(g), the Air Canada Group defendants respond to the plaintiffs' statement of facts in support of their motion for summary judgment, as follows:

I. GENERAL FACTS

1.

The factual assertions contained in paragraph 1 are denied. Plaintiffs have offered no proof to support these assertions.

2.

The factual assertions contained in paragraph 2 are denied. Plaintiffs have offered no proof to support these assertions.

* * *

otherwise competent to give the opinion testimony contained in paragraph 69 regarding whether the concourse level at Terminal B has *"spacious* corridors."

70.

The factual assertions contained in paragraph 70 are admitted.

E. First Amendment Activities Presently Permitted and Prohibited in the Terminals

71.

The factual assertions contained in paragraph 71 are admitted.

72.

The factual assertion contained in paragraph 72 is admitted, on the basis of the interim settlement agreement with Eastern Airlines, but only with respect to the plaintiffs' claims against Eastern Airlines. The factual assertion contained in paragraph 72 is inadmissible for all other purposes.

73.

The factual assertions contained in paragraph 73 are admitted.

74.

The factual assertions contained in paragraph 74 are admitted.

75.

The factual assertions contained in paragraph 75 are admitted.

76.

In response to the factual assertions contained in paragraph 76, the Air Canada Group defendants state that each individual airline defendant had adopted its own policy with respect to the matters described in paragraph 76, although plaintiffs' description of the airlines' policy is generally an accurate description of each individual airline's policy.

F. Facts Pertaining to Public Access to the Airport Terminals

77.

The factual assertions contained in paragraph 77 are denied, as stated.

78.

The factual assertion contained in paragraph 78 are admitted.

79.

The factual assertion contained in paragraph 79 is admitted.

80.

The factual assertion contained in paragraph 80 is admitted.

* * *

99.

The factual assertion contained in paragraph 99 is admitted, except that the Air Canada Group defendants note that American Airlines paid the construction cost of its terminal facilities at La Guardia and JFK.

100.

The factual assertion contained in paragraph 100 is denied on the grounds that, as stated, it is both vague and incomplete.

101.

The factual assertion contained in paragraph 101 is denied on the grounds that, as stated, it is both vague and incomplete.

102.

The factual assertion contained in paragraph 102 is admitted.

103.

The factual assertion contained in paragraph 103 is denied on the grounds that, as stated, it is both vague and incomplete.

104.

The factual assertion contained in paragraph 104 is denied on the grounds that, as stated, it is both vague and incomplete.

* * *

125.

The factual assertions contained in paragraph 125 are admitted.

126.

The factual assertions contained in paragraph 126 are admitted.

127.

The factual assertions contained in paragraph 127 are denied on the grounds that, as stated, they are incomplete. The Air Canada Group defendants note that although the Port Authority provides certain services to the airlines under the lease agreements, the airlines nevertheless pay the Port Authority for these services.

128.

The factual assertions contained in paragraph 128 are denied on the grounds that, as stated, they are vague and ambiguous.

129.

The factual assertions contained in paragraph 129 are admitted.

130.

The factual assertions contained in paragraph 130 are admitted, although the Air Canada Group defendants note that these assertions are irrelevant to the issues raised in plaintiffs' motion for summary judgment.

131.

The factual assertions contained in paragraph 131 are denied on the ground that, as stated, they are incomplete. The Air Canada Group defendants note that although the Port Authority provides services to the airlines at Newark International Airport, pursuant to the lease agreements between the Port Authority and the airlines, the airlines pay the Port Authority for these services.

132.

The factual assertions contained in paragraph 132 are admitted.

133.

The factual assertions contained in paragraph 133 are admitted.

134.

The factual assertions contained in paragraph 134 are admitted.

135.

The factual assertions contained in paragraph 135 are admitted.

* * *

150.

The factual assertions contained in paragraph 150 are admitted.

151.

The factual assertions contained in paragraph 151 are admitted.

Respectfully submitted,

KILPATRICK & CODY

By: /s/ William H. Boice
William H. Boice
Marc K. Ritzmann

Members of the Firm

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Attorneys for Air Canada Group Defendants

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

INTERNATIONAL SOCIETY FOR KRISHNA CONSCIOUSNESS, INC., et al.,	:	75 Civ. 5388 (MJL)
Plaintiffs,	:	AFFIDAVIT
– against –	:	
WALTER LEE, et al.,	:	
Defendants.	:	

STATE OF NEW YORK)
: ss.
COUNTY OF QUEENS)

LEIF ANDERSSON, being duly sworn, deposes and says:

1. I am the station manager at John F. Kennedy International Airport ("JFK") for defendant Scandinavian Airlines System ("SAS"). I make this affidavit on behalf of SAS, Air India, Iberia Airlines of Spain, Icelandair, Irish International Airlines, Japan Airlines and Varig Brazilian Airlines (the "Air India Defendants") in opposition to plaintiffs' motion for summary judgment, or in the alternative, for a preliminary injunction.

2. SAS is a foreign air carrier engaged in the business of providing commercial air transportation between the United States and various points outside the United States. SAS is a consortium of the national of Norway,

Sweden and Denmark. SAS, together with other Air India Defendants, all lease space at JFK's International Arrivals Building ("IAB").

3. I have been station manager for SAS at JFK since September, 1981. In that capacity, I have become fully familiar with the IAB.

4. The Arrivals Building (Building No. 50) is under Port Authority control and is not leased to the Air India Defendants or any other IAB tenants. As its name implies, it is used to process arriving international passengers, who, after retrieving their luggage and clearing U.S. Immigration and Customs, exit into a central hallway on the first floor of the Arrivals Building.

5. The second floor of the Arrivals Building contains a mezzanine/lobby area, which includes a number of commercial outlets. This area is not leased to or under the control of the Air India Defendants.

6. The Air India Defendants and certain other international air carriers lease space from the Port Authority in the East and West wing Buildings in the IAB complex. Some of this space is leased exclusively and individually by each foreign air carrier. Each of the Air India Defendants leases its own space on the first floor of one of the Wing Buildings for reservations, ticket sales and passenger check-in, among other things. Additional exclusively-leased space is found on the second floor of the Wing Buildings. The Air India Defendants use this space for, among other things, passenger lounges open only to their particular customers.

7. The Air India Defendants are also tenants-in-common in each respective Wing Buildings' second-floor L-shaped "finger" corridors for use by passengers on departing international flights. These finger corridors are not general circulation areas, but have only one way pedestrian traffic. The finger corridors do not interconnect with any other parts of the airport. Thus, after checking-in at a particular IAB airline's facilities on the first floor, an international passenger ascends to the second floor finger areas of one of the two Wing Buildings. There the passenger will remain until his plane is called and then proceed down one of the two fingers of an L-shaped corridor, pass through security and board his plane.

8. The second floor finger corridors controlled by IAB tenants are for the use of departing international passengers. Because arriving international passengers must clear immigration and customs procedures, they are channeled through the central Arrivals Building and thus would have no occasion to use the finger corridors of the East and West Wing Buildings. The East and West Wing second-floor finger corridors are one-way, closed-end conduits for departing international passengers.

9. Having checked in their baggage, international passengers who are awaiting the departure of their flight in a second floor Wing Building finger corridor are essentially "captives" of that area. Until their flight is called, these passengers have nowhere else to go. As a practical matter, the Air India defendants' passengers are restricted to a limited area and cannot depart at will.

10. The few commercial establishments which line the Wing Buildings' finger corridors are designed for and

cater to departing passengers. Based upon my experience as a New York resident, the prices charged by these airport establishments are generally higher than prices charged by establishments located elsewhere.

/s/ Leif Andersson
Leif Andersson

Sworn to before me this
19th day of January, 1988

/s/ Dorothy L. Figueroa
Notary Public

DOROTHY L. FIGUEROA
Notary Public, State of New York
No. 31-4873537
Qualified in New York County
Commission Expires Oct. 14, 1988

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----------x

INTERNATIONAL SOCIETY
FOR KRISHNA CONSCIOUSNESS,
INC., et al., 75 Civ. 5388

Plaintiff,

-against-

WALTER LEE, etc., et al.,

Defendants.

----------x

March 25, 1988
11:10 a.m.

Before:

MICHAEL H. DOLINGER,

Magistrate

APPEARANCES

DAVID M. LIBERMAN,
Attorney for plaintiff

ARTHUR BERG,
-and-
PHILIP A. MAURER,
Attorneys for defendant Port Authority

WILLIAM H. BOICE,
Attorney for defendant Air Canada Group

PHILIP DOUGLAS,
Attorney for defendant Air India

ALAN A. D'AMBROSIO
Attorney for defendant Lufthansa German Airlines

[p. 2] THE MAGISTRATE: I asked all you folks here for a couple of related reasons. As we all know, there has been a process underway over a period of what seems like many months, to brief summary judgment motions on I think all the remaining legal issues in the case.

I recently received from the plaintiffs some reply papers and a letter which indicated that the papers were addressed solely to the Port Authority's position in the case. That as for the other matters originally in the case, there had been what I think was referred to as an agreement in principle to settle the case. Accordingly, the plaintiffs were not going to address any issues that might have been raised with respect to the airline defendants.

Now, the phrase agreement in principle sounded vaguely familiar and although I resisted the temptation to go back to earlier correspondence in this case, I believe my memory is correct that at various phases in this superannuated litigation, I had been told by counsel for various parties that agreements had been either reached or about to be reached or might well be reached in the near future and for that reasons various things ought to be put on hold.

Typically these involved continuation of [p. 3] discovery, in some cases I believe responding to motions.

Now, as we're all aware, the Second Circuit had in its opinion on this case said not only is this an old case but it ought to be given top priority. Based upon past performance it seemed to me that a representation about an

agreement in principle is a basis for in effect putting on the shelf a motion and indeed the major portion of this lawsuit was altogether unsatisfactory.

Therefore, insofar as we're talking about the airline defendants, I wanted to get a clearer understanding of what the dickens is going on. Whether there is an agreement, if so is it going to be reduced to writing.

Whether the plaintiffs intend to dismiss or discontinue, be it with or without prejudice, as to those defendants; if so, when.

If all this is as vague as it seemed from the letter whether the plaintiffs intended to put in reply papers with respect to the airline defendants since we're not going to allow this to smolder away.

Since the plaintiffs were the ones who advised me of this, although in somewhat vague terms, [p. 4] why don't I hear from them as to what is going on.

MR. LIBERMAN: I'm the plaintiff but I think Mr. Boice can answer that.

MR. BOICE: I have the agreement in my briefcase.

We do have an agreement between all of the airline defendants. I have with as many airline defendants as we have, 24, 25, 26, I'm not exactly sure as to exactly how many we have.

I have authority from all of my clients, Mr. Douglas has authority from all of his clients. Everyone we have talked to has agreed to the agreement. It is all ready to be signed off on and it's going to be signed off on by counsel for all the parties.

The agreement provides that the claims against the airline defendants will be dismissed with prejudice. There is a proviso in the agreement that should the airline defendants be found to be state actors in a subsequent unrelated action against the airlines and the airline space be found to be an appropriate public forum so that a group unrelated to the Krishnas is allowed access and subject to reasonable time, place and manner restrictions, the agreement we have with dismissal with prejudice would not preclude of the Krishnas from participating in any [p. 5] associate subject to the same regulations that the airlines were to have at that point adopted. So, it's with prejudice with a proviso that it does not exclude them.

So, it's leaving an opener at the end if something should happen with unrelated litigation down the road someplace.

The agreement is ready to be signed off, I have copies of the agreement. We need an exhibit prepared, two exhibits prepared to it and we just need to circulate it around among all the parties. It should be ready to be dismissed 30 days after it is signed off and it should be signed within a couple of weeks.

THE MAGISTRATE: Well, that takes care of item number one.

Item number two is of course the balance of the case, which is the motion for summary judgment vis-a-vis the Port Authority.

I wanted to be sure before I actually got to the phase of sitting and reading all the cases and starting to write

something, that this really was serious. That is what I take to be the nub of the dispute, that is the unwillingness of the Port [p. 6] Authority to agree to continue whatever it is that it has been doing since about 1975.

MR. BERG: 1975.

THE MAGISTRATE: It was so clear that in fact we needed to answer some ultimate questions in this lawsuit, like the merits.

I gather as much from the papers but wanted to be sure that I wasn't misapprehending and that I didn't end up putting in a fair amount of work only to be told after all of this that in fact the parties really were going to settle the case.

MR. BERG: Your Honor, my name is Arthur Berg, representing the Port Authority.

The Port Authority's position is that an airport is not a public forum. The Port Authority board has recently adopted a resolution which I'm going to hand up to you clarifying that position.

We have attempted to workout a settlement with the Krishnas along the lines that we have no immediate plans of changing the status quo. Based on that I think they have withdrawn their motion for preliminary injunction, their latest papers.

We are currently in litigation in the New Jersey District Court with USA Today involving whether [p. 7] they have the right to place news racks in airport terminals.

What we have proposed to the Krishnas is that this case be held in abeyance pending the outcome of that

case which is scheduled for trial on May 28th. That we await a decision on the public forum issue. That after such a decision is made, then they could take whatever action they desire in this case.

So, we have proposed that this case be held in abeyance for the moment may.

THE MAGISTRATE: I take that it your proposal is not that the outcome of this case be governed by the outcome in New Jersey but merely that notwithstanding briefing, that in effect the court basically await for the outcome of New Jersey since I take it there is nothing at this point for the parties to do beyond argue the motion, which I am incidentally prepared to hear argument on today.

MR. BERG: It was my understanding that this was just a pretrial conference; I was notified by the plaintiffs to that effect. So, we weren't really prepared for argument today. I haven't reviewed their latest paper in detail to give argument today.

THE MAGISTRATE: In any event, I take the [p. 8] the thrust of what you're saying really isn't that the parties should not do something but rather the court shouldn't do anything until the trial in New Jersey and at that point what?

MR. BERG: I was actually proposing that we envision that case will be tried and will be appealed to the Third Circuit and probably the losing side will undoubtedly seek Supreme Court review.

The Supreme Court has indicate that they are interested in this issue, the recent Jews for Jesus case, they

didn't decide the issue because they found the ordinance vague and overly broad but they have indicated that they would hear a future case.

So, the proposal was to hold this case in abeyance while the case goes ahead in New Jersey.

THE MAGISTRATE: By the way, is the New Jersey case limited to Newark Airport or is there something else involved?

MR. BERG: It's limited to Newark Airport.

THE MAGISTRATE: So that assuming for the moment that the analysis of public forum, number one; number two, the analysis of assuming that you're correct that it's not a public forum, the reasonableness turns on a fact intensive inquiry as to [p. 9] the particular area involved. The best that you could say for the New Jersey case is that it would shed some light on the Newark part of this lawsuit but would shed little, if any, light on the JFK/LaGuardia aspect or am I wrong about that?

MR. BERG: I believe that if the airports are public forums, that both the Port Authority and the Krishnas do not object to the present arrangement that has been made. So, I don't know that reasonableness is really involved here.

THE MAGISTRATE: But I take it your position, as least as I have read your papers, is that it is not a public forum and that therefore the standard is reasonableness.

If that is correct, and I take it the standard of reasonableness really turns to factual inquiry as to the particular place that one is talking about, that therefore if you're legally correct in your analysis in this case, the

New Jersey case really wouldn't shed much light on two-thirds of this lawsuit.

MR. BERG: Well, we believe that if it's not a public forum, that it's reasonable to have a complete ban on the type of activity –

THE MAGISTRATE: I understand that but [p. 10] doesn't the question of reasonableness turn on the particular characteristics of the place one is talking about, that is putting aside that all of the venues that are being litigated over here are all airports, they may in terms of their layout, in terms of crowd flow and the like, differ in some ways that might be significant for a reasonableness argument?

MR. BERG: I think that the airports are virtually identical in the congestion problems which they have. They are operated as a single unit to serve the metropolitan area. The amount of passengers at each airport is quite similar. I really don't think that there is any great distinction between Newark Airport and Kennedy and LaGuardia.

THE MAGISTRATE: Let me ask you this: I wasn't entirely clear from your papers, are you, although I understand that the plaintiff is the moving party, are you in fact seeking summary judgment on this question of public versus A, on the question of public forums versus nonpublic forums and B, on the question of assuming you're correct about that, that the complete ban or a complete ban would be reasonable?

MR. BERG: Under the new regulations, let me clarify, it's a complete ban in the interior areas. [p. 11] But

they would, the new regulations permits the type of activity on the sidewalks outside the terminals. So, there is not a complete ban on the airport, it's just on interior areas.

THE MAGISTRATE: Now, you say that this is a product of new regulations?

MR. BERG: That is correct.

THE MAGISTRATE: Are these regulations part of the briefing in this case?

MR. BERG: No, they haven't been because the regulations were adopted after our brief was filed.

THE MAGISTRATE: And is that separate and apart from the document you just handed me or is that it?

MR. BERG: That is the document I just handed you.

THE MAGISTRATE: Under the circumstances how can the court adjudicate this matter if there are factual matters including something as crucial as what the Port Authority is currently doing, without further papers to create a record?

MR. BERG: I would agree that further papers would be appropriate.

THE MAGISTRATE: Why don't I hear from the [p. 12] plaintiff the current state of the record and what they propose at this point.

MR. LIBERMAN: Well, I'm David Liberman, Your Honor.

I have just found out about this a few days ago myself, this new regulation. I don't really think it changes

anything because the Port, in their opposing papers, made it very clear what their policy was. That is that the airport terminals are a nonforum. That their policy is to exclude all well, to exclude the distribution of literature and solicitation of donations in the general circulation areas controlled by the Port. So, I don't think this regulation alters the Port's policy that they have maintained and asserted in their opposing papers.

THE MAGISTRATE: Let me ask this: The new regulation allows this sort of activity on sidewalks, are these the sidewalks immediately adjacent to the terminals?

MR. BERG: Yes.

THE MAGISTRATE: Okay, then why, for first amendment forum analysis, why is it not pertinent to look at the entire terminal area, that is the building and the sidewalk right next to the building as part of [p. 13] the analysis and not characterize the Port Authority's regulations as a time, place and manner restriction.

That is we won't prohibit you from doing anything on our property, we're simply going to designate one particular portion of it, the sidewalk area as opposed to the within building area as the place in which to do it. In which case you then are faced by a time, place, manner restriction which is another issue entirely from what you're litigating.

MR. LIBERMAN: We would – I think the public forum airport cases all specifically talk about the interior general circulation terminals.

THE MAGISTRATE: More to the point, do they address of the question whether allowing this activity on

the immediate adjacent sidewalk does or does not constitute a time, place and manner restriction for purposes of access to the airports?

MR. LIBERMAN: I don't think you could really see it in terms of the – I think the sidewalks are a distinct feature of the airports.

THE MAGISTRATE: Apart from your thought on the matter, my question is a little more precise from that. Do the cases address the issue?

MR. LIBERMAN: Not that I'm aware of – I [p. 14] know that that issue has been involved in some decisions in California but those cases struck the regulation down as overly broad. Where there was restriction at LAX only on the sidewalk, and I believe even the Jews for Jesus case may have contained that component.

But because the regulations were facially unconstitutional, it never reached the question and there is no case that I'm aware of that has viewed the airports in that way and distinguished particular components, streets, sidewalks as opposed to the interior facilities.

THE MAGISTRATE: The question I guess I have about this is whether or not if what we're now faced with is new set of regulations that at least arguably would now be characterized as time, place, manner restrictions, whether we're talking really about a different lawsuit.

You will recall of course that, I wouldn't say early in this case but early in my involvement in the case, the plaintiffs made very clear that their challenge in this lawsuit was going to be limited to attack on the absolute

ban imposed by the defendants on any form of such activity at the airports. This was in [p. 15] conjunction with a fight over the relevance of certain discovery that defendants were seeking from plaintiffs. I think the representations were quite clear on the point.

If in fact the court were to conclude, let me say I'm speaking entirely hypothetically, but if the court were to conclude that what we face now under these new set of regulations is in fact a time, place, manner restriction, does it not appear then that the remaining claim in the case, that is against the Port Authority, goes out the window because in fact there is not an absolute ban? Accordingly, you're left to such legal devices as you will take to challenge the new policy.

MR. LIBERMAN: I would, of course this is my opinion, I would contest that characterization of distinguishing the exterior sidewalks from the internal general circulation areas.

We would continue to emphasize our right of access to the entire area as opposed to the exterior sidewalks which could very well pose more of a time, place and manner problem in terms of congestion and traffic and safety concerns than the internal area.

THE MAGISTRATE: I understand that you would [p. 16] challenge the regulation. But my question is whether that is a challenge that you have in effect agreed is not within of the four corners of or the scope of your lawsuit at an earlier time, in order to gain the advantage of an order of precluding certain discovery and that therefore it is incumbent upon you, if you wish to challenge these regulations, to bring another lawsuit?

MR. LIBERMAN: Obviously if the court did interpret the new development in that way we would have little choice, we would have to go back to the drawing board and determine what we were going to do at that point.

I do believe though, that our position would remain that there is a distinction. That the sidewalks are a separate forum in and of themselves from the interior public circulation areas that are controlled by the Port Authority. We would want to litigate that issue of whether what we would do at that point is litigate the issue of whether you can distinguish or whether these are two separate forums and we would be in here for another several years determining whether the sidewalks are a separate forum from the internal areas.

I would like to add that I believe that Mr. [p. 17] Berg's proposal is to the court, because I believe that having gone over the Port Authority papers, that there is no genuine issue of material facts left on the public forum question. We will concede their public forum facts excluding representations about congestion and a captive audience and where people go and how many people go to the airport. Because there is no factual support for those allegations and they are irrelevant to the public forum. Those are of time, place and manner concerns whether it's congestion or this is a seating area I think that –

THE MAGISTRATE: Basically it would be fair to say and I'm not trying to arbitrarily define you out of court but would it be fair to say that all you are seeking at this point in your lawsuit is in effect a declaration that

the airport terminals or some aspects of the airport terminals are in fact public forums.

MR. LIBERMAN: We're seeking summary judgment on the public forum question regarding the Port Authority controlled areas.

THE MAGISTRATE: I understand you're doing that but I'm still trying to get a real handle on the ultimate issues in this case. In other words, if you were to win that what is your relief? Do you enter [p. 18] into a declaratory –

MR. LIBERMAN: I think at that point that would be a final judgment. That's the law and the Port Authority can't pass any regulations or enforce any regulations that would in effect contravene that ruling. That would be the law and that would be the end of this case.

THE MAGISTRATE: Simply that these terminals are a public forum?

MR. LIBERMAN: That the general circulation areas that have been specifically defined, I believe that was one of the major objects of discovery and I think we have done that. That's why I say as to those areas we'll concede the Port Authority's allegations regarding how many shops or how many restaurants may be located in those areas. Therefore, I don't see that there is anything else, there is no triable issue fact left on the public forum question, I think in light of the Port Authority's policy as expressed in their briefs, I think the case is properly decided.

THE MAGISTRATE: So then you would not be arguing, would you, assuming that the court found that

these areas are not a public forum, you would not be arguing the reasonableness of an outright ban?

[p. 19] MR. LIBERMAN: We would argue then that an outright ban would be unreasonable. But frankly, the cases are very clear on that. It's a very low standard burden that's placed upon the regulating agency and that means public forum you're in and nonforum you're out. Totally excluded would probably, although I wouldn't concede that on the record but I'm just saying in frankness to the court, that I think in light of the way the cases have gone that a total exclusion in the airport would probably be a reasonable regulation in a nonforum.

THE MAGISTRATE: Would you agree that by your earlier representation to the court that you were not going to contest time, place and manner restrictions, that in fact that issue of reasonableness would be beyond the scope of this lawsuit?

MR. LIBERMAN: We believe that time, place and manner is beyond the scope of this lawsuit. Once the public forum issue is resolved then this case is over. I think that's consistent with what we've said all along.

If the Port Authority maintains their present policy then we probably wouldn't be back. But if they changed the rules promulgated for restrictive [p. 20] provisions because one of the factors in the settlement with the airlines, and an important factor, is the planned expansion that we discovered recently in preparing our motion for summary judgment. This major billion dollar capital expansion plan that in effect is going to provide facilities in Port Authority controlled areas where the leased areas are no longer necessary. So, why litigate it, why waste

everybody's time and that would also be a potential issue.

But until those facilities are built and we actually have a chance to see what kind of access could be reasonably accommodated, those areas that might be of a potential dispute somewhere in the future – but I think of the public forum question is hotly contested right now between the parties.

I'm comfortable with this court ruling on that. I'm not comfortable waiting to see what the Third Circuit does. I would rather take my chances in this jurisdiction. But if the court would feel that that might shed some light on that issue and would like to wait to see what the District Court in New Jersey did on this matter, that would be beyond my control. I would just as soon go ahead because I do think that the case is that ripe for summary adjudication.

[p. 21] THE MAGISTRATE: I happen to agree with you. I don't see any reason why the court in New Jersey has to grind its wheels and then the Third Circuit, particularly in view of the age of this case. It seems to me this case ought to proceed.

I did want to have asked you one other thing and I think you may have actually answered it already. I had gotten a sense from your papers that you are almost asking the court to order the Port Authority to continue the present policy. I take it that's really not the case?

MR. LIBERMAN: Well, in light of Mr. Berg's representation on the record before the court that pending the outcome of this case they do not intend to change

their policy regarding current access, then I would agree, there is no need for an order at this time. Because that would be stipulated by the parties on the record.

THE MAGISTRATE: You would also agree that that is not part of the final relief that you're seeking in this lawsuit?

MR. LIBERMAN: Time, place, manner would not be part of the final relief.

What we're anticipating and is a total ban, [p. 22] not an adjustment on the time, place and manner. But Mr. Berg has already agreed to keep the status quo in place at least pending the outcome of this lawsuit.

THE MAGISTRATE: Then it seems to me where we're really left is given recent developments that Mr. Berg has pointed out, I agree with him that in some way the record is going to have to and the parties are going to have to address the significance of this for purposes of summary a judgment motion. I think I've already given you an idea of the questions that come quickly to mind about the significance of this including, among other things I have indicated, my question about in the context of an airport situation whether the sidewalks don't become part of the whole package and thus any regulation that allows activities on the sidewalks to become in effect a time, place and manner restriction with respect to the entire airport or at least the pertinent portions of the airport as well as any discussion you may have with respect to the significance of this policy for the plaintiffs' claims for relief.

It seems to me that at present the Port Authority ought to go in order first with its papers which I assume will include some form of cognizable [p. 23] specification and evidentiary form of what the present policy of Port Authority is, its basis and of course its significance for the issues that have already been briefed and that plaintiffs will then respond.

Given the superannuated nature of things here I would expect this to be done reasonably quickly. Let's say two weeks for the Port Authority and then two more weeks for the plaintiff.

If at that time either party wants oral argument or I see in the papers something that needs further elucidation, I would of course let you know. But my assumption is that should be sufficient to conclude matters here.

Is there anything else that we ought to address at this point?

MR. BERG: I think the agreement between the Krishnas and the airlines. The way I understand it presently, the Port Authority is not a signatory to that agreement. I understand from reading Rule 41 that you would need either consent of all the parties or a court order. So, I would just like to know which way they intend to proceed. I mean, at some point Port Authority would like an opportunity to, if it's going to be by court order, to comment on the agreement or to [p. 24] have its views.

THE MAGISTRATE: If my recollection is correct, Port Authority has a lot of potential authority on everything that happens in the terminals. Is it your understanding that just by virtue of whatever regulations

are or agreements are in place the Port Authority may have with the airlines or may have issued on its own, that the Port Authority needs to approve any such agreement?

MR. BERG: No, no. I'm under the Federal Rules of Civil Procedure.

THE MAGISTRATE: I understand the distinction, I'm just asking you apart from the Federal Rules is there some necessity for the Port to sign off on this under its agreements with the airlines?

MR. BERG: No.

THE MAGISTRATE: Actually if in fact the agreements have been reached, one thing I think that would be helpful to me partly just for my own understanding of what's going on, is as quickly as possible to get me a copy of the agreement between the airlines and the plaintiffs.

But as far as of Port Authority commenting on any proposals dismissal, I assume that as of the [p. 25] time that the agreement is ready for formal submission to the court, that a copy will be made available to the Port Authority. The Port Authority having noted its desire to at least be heard on the matter, the court will give the opportunity to do so.

THE MAGISTRATE: Anything else?

MR. BOICE: Your Honor, I have a copy of the settlement agreement and I'll leave it. Mr. Douglas expressed to me there are several motions that are pending before the District Court. I wouldn't think that it would be appropriate to have any of those decided with

respect to any disputes with respect to the airlines and the Krishnas at this point.

If some notice could be given to the District Court that this is the current status and that things ought to be held that in abeyance – I wouldn't want to have somebody decide that might change the parties' position. It's kind of that great unknown out there is part of the reason for a settlement.

THE MAGISTRATE: I'm just trying to think now whether the best approach would be me sending a memorandum to Judge Lowe or you writing her a letter indicating that the parties have reached agreement and will be submitting this authority shortly.

[p. 26] MR. BOICE: If you wouldn't mind, I think since you're handling the case overall and it's in agreement to you to where we are – I'll give you a copy of the agreement so that if there are any questions we'll be happy to discuss it with you.

THE MAGISTRATE: I suspect that this news will not bring great chagrin to Judge Lowe's chambers. I don't mind being the bearer of such tidings.

MR. BOICE: I wouldn't suppose that it would.

THE MAGISTRATE: Anything else?

MR. LIBERMAN: I would just like to clarify whether you would agree with the Port Authority's contention that their approval or consent is needed in the alternative a court order for us to settle out with other parties to the case?

THE MAGISTRATE: Were answers ever filed to the complaint?

MR. BOICE: Excuse me?

THE MAGISTRATE: Did the defendants ever file an answer to the complaint?

MR. BOICE: Yes.

THE MAGISTRATE: In which case, if I recall and I'm treading on slightly musty memory, that in any event a requirement that the court approve any [p. 27] dismissal, I think Rule 41 contemplates a dismissal without court approval prior to the filing of answer.

MR. BERG: That's correct. I have Rule 41.

THE MAGISTRATE: So, it's going to be of the standard stipulation with a spot on the last page for a so ordered signature by the court. If the Port Authority wishes to be heard on the matter, certainly in the ordinary course we allow parties to be heard on any matters under the sun.

MR. LIBERMAN: So, this wouldn't in effect take any longer than it might otherwise take anyway?

THE MAGISTRATE: I can't conceive that it would, no.

Anything else? Thank you all very much.

(Time noted 11:45 a.m.)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----------X

INTERNATIONAL SOCIETY FOR KRISHNA CONSCIOUSNESS, INC., et al.,

Plaintiffs,

-against-

WALTER LEE, etc., et al.,

Defendants.

----------X

75 Civ. 5388 (MJL)

SUPPLEMENTAL AFFIDAVIT IN OPPOSITION TO PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT OR IN THE ALTERNATIVE FOR PRELIMINARY INJUNCTION

COUNTY OF NEW YORK :
ss:
STATE OF NEW YORK :

MORRIS SLOANE, being duly sworn, says:

1. I am presently Director of the Aviation Operations for the Aviation Department of The Port Authority of New York and New Jersey (hereinafter after called "the Port Authority"). From December 1973 to September 1987, I was Deputy Director of the Aviation Department.

2. I submit this supplemental affidavit in opposition to plaintiffs' motion for summary judgment and a permanent injunction or, in the alternative, for a preliminary injunction prohibiting the enforcement of the policy on the distribution of literature and solicitation of money applicable to the passenger terminals controlled by the Port Authority in John F. Kennedy International Airport (hereinafter "Kennedy"), LaGuardia Airport (hereinafter

"LaGuardia"), and Newark International Airport (hereinafter "Newark"). (Hereinafter, the three airports will be collectively referred to as "the Port Authority airports".)

3. I submitted an Affidavit in Opposition to plaintiff's motion, sworn to on January 19, 1988. I respectfully refer the Court to that affidavit for a description of the relevant characteristics of the Port Authority airports.

4. Port Authority counsel have informed me that on March 25, 1988, as part of the proceedings herein, a conference was held before United States Magistrate Michael H. Dolinger in which plaintiffs' and defendants' counsel appeared. (Attached hereto as Exhibit A is a copy of the transcript of that conference.) According to counsel, during the conference Magistrate Dolinger was informed that the Port Authority had adopted new regulations relevant to this action, *see*, Transcript at 10-11; and Magistrate Dolinger requested, *inter alia*, that the Port Authority present the new regulations in evidentiary form. *See*, Transcript at 22-23.

5. The purpose of this supplemental affidavit is to present to the Court the nature and basis of the new regulations addressed by Magistrate Dolinger on March 25.

6. The new regulations are set forth in a resolution amending Chapter III of the Airport Rules and Regulations of the Port Authority. The resolution was adopted by the Committee on Operations of the Board of Commissioners of the Port Authority on February 11, 1988, and became effective on March 3, 1988, after the expiration of the period in which the Governor of New York and of New Jersey could have exercised the power to veto the

February 11 actions of the Port Authority. (The Governors' veto power is set forth at N.Y. Unconsol. L. §6417 (McKinney 1979) and N.J. Stat. Ann. §32:1-17 (West 1963).) A copy of the resolution is attached hereto as Exhibit B.

7. I understand that, as set forth in Paragraph 3 of Plaintiffs' 3(g) Statement dated November 11, 1987, and page 7 of Brief for Plaintiffs in Support of Motion dated November 11, 1987, the object of plaintiffs is to perform "sankirtan" in the Port Authority air terminals. "Sankirtan" is defined by plaintiffs as "going into public places, disseminating religious literature and soliciting funds . . . . " Plaintiff's 3(g) Statement, ¶3.

8. The regulations relevant to this action are set forth in Part B of Chapter III of the Airport Rules and Regulations, as amended. The sections of Part B which would affect the performance of sankirtan are Sections 1(b), 1(c), and 2(b). These regulations have not been, and will not be, enforced in violation of the interim agreement between the Port Authority and plaintiffs set forth in Paragraph 28 of my January 19 Affidavit.

9. (a) Part B regulates non-commercial activity at Port Authority air terminal space which are not occupied by a lessee, licensee or permittee.

(b) Section 1 is applicable to the interior areas of buildings and regulates certain conduct by a person addressed to passers-by in a continuous or repetitive manner. Section 1(b)-(c) prohibits the continuous and repetitive distribution of literature to, and solicitation of

money from, passers-by. Section 1 does not address private, one-on-one or individualized activity inside or outside an air terminal building. An effect of Sections 1(b)-(c) would be to prohibit the performance of sankirtan within air terminal buildings in space that is not occupied by a lessee, licensee or permittee. Section 1 would not prohibit sankirtan in external locations.

(c) Section 2 addresses conduct both within and without air terminal buildings. Section 2 would not prohibit sankirtan provided that such activity did not interfere with airport operations as set forth in Section 2(b).

10. The purpose of Sections 1(b)-(c) and 2(b) is to restrict activity which is inconsistent with the purpose of the Port Authority air terminals – the facilitation of air travel and which has the effects of contributing to the problem of pedestrian congestion, adding to the problems of airport maintenance, causing annoyance to members of captive audiences, diverting revenue from airport concessionaires, and creating the risk of defrauding airport patrons.

11. By limiting the activity addressed above to the areas outside the airport terminal buildings, the regulations limit the adverse effects of those activities and facilitate the monitoring of the effects of such activity on air terminal operations without preventing those who wish to engage in such activity to communicate with the airport patrons using the air terminal.

12. The need to monitor activities of those engaged in leafleting and solicitation of funds is demonstrated by the experience of having those activities performed in La Guardia Airport. Personnel at LaGuardia Airport have

noted repeated violations of the rules agreed to by the parties herein, and other objectionable conduct associated therewith, in the operations logs maintained at LaGuardia and in incident reports. These documents are kept in the ordinary course of business at LaGuardia Airport. Attached hereto as Exhibit C is a schedule describing the number and nature of the rules violations that have been reported by Port Authority personnel. As Exhibit C sets forth, between 1975 and 1986, Port Authority staff reported 183 rules violations and other conduct that interfered with the operation of the airport for the benefit of air passengers at LaGuardia. 31 of those incidents involved some form of fraud, deception, larceny, or physical confrontation.

13. The necessity to monitor leafleting and solicitation to prevent undesirable conduct associated therewith is based not only on experience at Port Authority airports, but also upon knowledge of illegal, fraudulent, and other abusive behavior in other locations. I have reviewed the affidavit of Philip Le B. Douglas, sworn to on October 12, 1984 and the exhibits thereto, already filed in this action. Mr. Douglas' affidavit describes a variety of conduct which demonstrates in unmistakable terms the necessity to monitor activity protected by the First Amendment to ensure that unprotected, illegal activity, such as fraud, misrepresentation, and larceny, does not take place in association with leafleting and solicitation.

14. The new regulations do not substantially interfere with access to air passengers. As set forth in the Supplemental Affidavit in Opposition of Frederick V. Hurst, Jr., an analysis of the last inflight survey of air

passengers using the Port Authority airports demonstrates that only 3% of the passengers using the North Terminal at Newark arrived at and left that terminal by air, that only 2% of the passengers using the Central Terminal Building at LaGuardia were on such "intra-terminal flights", and that only 0.7% of the passengers entering or leaving the United States using the International Arrivals Building at Kennedy had no need to leave the air terminal. The Court is respectfully requested to note that the fact that 2% of the passengers using the Central Terminal Building arrived and left that terminal by air does not mean that all of that 2% did not in fact venture out of the terminal, but merely that they had no need to do so to effect air connections.

/s/ Morris Sloane
MORRIS SLOANE

Sworn to before me this 21st
day of April, 1988.

/s/ Arnold D. Kolikoff
NOTARY PUBLIC

ARNOLD D. KOLIKOFF
Notary Public, State of New York
No. 24-4834667
Qualified in Kings County
Commission Expires June 30, 1989

Kennedy International, Newark International, and LaGuardia Airports Revision to Chapter III of Airport Rules and Regulations Addition of Regulations for Non-Commercial Activity Prohibition of Vending Machines

Currently, the conduct of individuals and organizations at all three airports are subject to the Airport Rules and Regulations. Chapter III, entitled "Commercial Activity", generally prohibits commercial activity at the airport without Port Authority consent, and prohibits specific commercial activity at the airports such as the distribution of literature, the posting of signs and the playing of musical instruments, without permission.

A recurring problem at the airports is the practice of groups and individuals using the airports as sites of organized conduct that is inconsistent with the intended purpose of the airports – the facilitation of air travel. Since these groups engage in such behavior for non-commercial purposes, such as religious observance and communication of political messages, their conduct is not regulated by the current version of Chapter III, which concerns commercial activity. Members of the International Society for Krishna Consciousness, Inc., which brought a lawsuit in Federal Court in New York in 1975 seeking access to the airports to distribute publications, solicit money and engage in related activity, currently engage in such conduct pursuant to a very limited permission granted to the organization pending the determination of the lawsuit, which is continuing.

Staff has proposed the adoption of regulations to regulate the non-commercial distribution of literature and related activity in interior public non-tenant areas of the

airports. These regulations would be made Part B of Chapter III. The current regulations concerning commercial activity, as amended, would be designated Part A.

The proposed Part B prohibits conduct in interior public non-tenant areas that creates the most serious problems of congestion and pedestrian annoyance. Part B prohibits leafleting, the solicitation of money and the sales of merchandise. Other non-commercial activity is prohibited to the extent that it interferes with airport operations.

The proposed Part A of Chapter III includes a provision prohibiting the installation of vending machines that sell goods in public non-tenant areas at the airports. Restroom vending machines selling personal hygiene items will not be prohibited because they satisfy passenger emergency needs.

The Port Authority has permitted vending machines to be installed in its space at the airports as a method of selling goods, but vending machines have been a disfavored method of distribution because their presence creates security, safety, congestion, aesthetics, maintenance and customer complaint problems. Over the past year, *USA Today* has made persistent requests to permit the installation of numerous newspaper vending machines in both Port Authority and airlines space at the airports, and has recently commenced an action in Federal Court in New Jersey to compel the Port Authority to permit the installation of newsracks at Newark International Airport. In the course of considering *USA Today*'s requests, staff has determined that a proliferation of such vending machines would have the adverse results of the

nature described above. In the course of these deliberations, staff has determined that a uniform policy prohibiting the sale of goods by vending machines in public non-tenant areas would eliminate the undesirable effects of such vending machines in public Port Authority space at the airports. Aviation staff will consult with the airlines as to the feasibility of eliminating the sale of goods by vending machines in public areas occupied by tenants. Staff shall take all steps necessary to insure that all goods and services, including newspapers and magazines, for which there is public demand, are conveniently available to airport patrons.

Whereupon, the following resolution was unanimously adopted by the Committee:

RESOLVED, that Chapter III of the Airport Rules and Regulation is repealed and replaced by the following:

CHAPTER III

COMMERCIAL AND NON-COMMERCIAL ACTIVITY

A. Commercial activity at Port Authority air terminals is subject to the following conditions and restrictions:

1. Any permission granted by the Port Authority directly or indirectly, expressly or by implication, to any person or persons, to enter upon or use any air terminal or any part thereof (including aircraft operators, crew members and passengers, spectators, sightseers, pleasure and commercial vehicles, officers and employees of airlines, lessees and other persons occupying

space at such air terminal, persons doing business with the Port Authority, its lessees, sublessees and permittees, and all other persons whatsoever whether or not of the type indicated), is conditioned upon compliance with the Port Authority rules and regulations: and entry upon or into any air terminal by any person shall be deemed to constitute an agreement by such person to comply with said rules and regulations. As used herein, compliance with Port Authority rules and regulations includes compliance with the Port Authority master security plan for the air terminal and the submittal by certified air carriers of their security programs as required by Parts 121 and 129 of the Federal Air Regulations.

2. No person shall carry on any commercial activity at any air terminal without the consent of the Port Authority.

3. No vending machines for the sale of goods shall be permitted in the public areas of Kennedy International, Newark International and LaGuardia Airports which are not occupied by a lessee, licensee or permittee. This prohibition shall not apply to vending machines in restrooms selling personal hygiene items.

4. No person shall conduct sightseeing flights at any air terminal except under permit from the Port Authority. By sightseeing flights is meant flights on which passengers are carried for hire, and which originate and terminate at the same terminal with no intermediate stops other than emergency stops.

5. No person shall use any area of an air terminal for storage of cargo or other property without permission. If, notwithstanding the

above prohibition, a person uses such areas for storage as aforesaid, without first obtaining such permission, then the Manager shall have authority to order the cargo or other property removed or to cause the same to be removed and stored at the expense of the owner or consignee thereof, without liability for damage thereto arising from or out of such removal or storage.

6. Unless otherwise provided in a lease or other agreement, no person shall use any area of an air terminal (other than the public aircraft parking and storage areas), for parking and storage of aircraft without permission of the Manager. If, notwithstanding the above prohibition, a person uses such areas for parking or storage as aforesaid, without first obtaining such permission, then the Manager shall have authority to order the aircraft removed or to cause the same to be removed and stored at the expense of the owner thereof, without liability for damage thereto arising from or out of such removal or storage.

7. No person shall use or occupy an operational area for any commercial purpose whatsoever except a purpose pertaining to the servicing of tenants, concessionaires, airlines, activities associated with airlines, or governmental agencies, or a purpose connected with maintenance and operation of an air terminal. Persons so authorized must carry and/or display personal identification of the type and in the manner specified by the Manager.

8. No person shall land or take off an aircraft on or from a public landing area, or use a public landing area, public ramp and apron

area, public passenger ramp and apron area, public cargo ramp and apron area, or a public aircraft parking and storage area, except upon the payment of such fees and charges as may from time to time be prescribed or agreed to by the Port Authority.

9. All charges due to the Port Authority for the use of air terminals shall be payable in cash unless credit arrangements satisfactory to the Port Authority have been made in advance or permission has been secured for payment by check.

10. No person shall post, distribute or display at an air terminal a sign, advertisement, circular, or any printed or written matter concerning or referring to commercial activity, except pursuant to a written agreement with the Port Authority specifying the time, place and manner of, and fee or rental for, such activity.

11. No person shall solicit funds for any commercial purpose at an air terminal without permission.

12. No person, unless duly authorized by the Port Authority, shall, in or upon any area, platform, stairway, station, waiting room or any other appurtenance of an air terminal:

(a) sell, or offer for sale, any article of merchandise; or

(b) solicit any business or trade, including the carrying of baggage for hire and the shining of shoes or bootblacking; or

(c) entertain any persons by singing, dancing, mime, acting, juggling or playing any musical instrument.

B. Non-commercial activity at Port Authority air terminals which are not occupied by a lessee, licensee or permittee is subject to the following conditions and restrictions:

1. The following conduct is prohibited within the interior areas of buildings or structures at an air terminal if conducted by a person to or with passers-by in a continuous or repetitive manner:

(a) The sale or distribution of any merchandise, including but not limited to, jewelry, food stuffs, candles, flowers, badges and clothing.

(b) The sale or distribution of flyers, brochures, pamphlets, books or any other printed or written material.

(c) The solicitation and receipt of funds.

(d) The sale of any service.

(e) The sale of any raffle ticket or entry in a game of chance.

(f) The conduct of a game of chance.

2. The following conduct is prohibited at an air terminal:

(a) The intentional touching of any person without his or her consent.

(b) The performance of any ceremony, speech, song, carrying of any sign or placard, or other such activity which constitutes a danger to persons or property, or which interferes with the orderly formation and progression of waiting lines, or which interferes with any of the following: pedestrian and/or vehicular travel; the

issuance of tickets or boarding passes or equivalent documents for air or ground transportation; luggage or cargo movement or handling; the entry to and exit from vehicles; security procedures; government inspection procedures; cleaning, maintenance, repair or construction operations.

(c) The intentional leaving of any item intended for distribution unattended.

(d) The attachment of any placard, sign, circular or other written material, on any wall, post, counter, billboard or any other surface.

(e) The erection of any table, chair, mechanical device or other structure.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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INTERNATIONAL SOCIETY FOR KRISHNA CONSCIOUSNESS, INC., et al.,	:	75 Civ. 5388 (MJL)
Plaintiffs,	:	SUPPLEMENTAL AFFIDAVIT IN OPPOSITION TO PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT OR IN THE ALTERNATIVE FOR PRELIMINARY INJUNCTION
-against-	:	
WALTER LEE, etc., et al.,	:	
Defendants.	:	

----------X

COUNTY OF NEW YORK :
ss:
STATE OF NEW YORK :

FREDERICK V. HURST, JR., being duly sworn, says:

1. I presently hold the position of Supervisor, Economic Analysis, Marketing and Economics Division of the Aviation Department of The Port Authority of New York and New Jersey (hereinafter called "the Port Authority"). I have held this position since 1973.

2. I submit this supplemental affidavit in opposition to plaintiffs' motion for summary judgment and a permanent injunction or, in the alternative, for a preliminary injunction prohibiting the enforcement of the policy on the distribution of literature and solicitation of money applicable to the passenger terminals controlled by the Port Authority in John F. Kennedy International Airport (hereinafter "Kennedy"), LaGuardia Airport (hereinafter

"LaGuardia"), and Newark International Airport (hereinafter "Newark"). (Hereinafter, the three airports will be collectively referred to as "the Port Authority airports.")

3. I received a Bachelor of Arts in Mathematics from Wagner College in 1950, and a Master of Arts in Mathemathical Statistics from Columbia University in 1954. I was awarded a Certificate in Survey Research from the Institute for Social Research of the University of Michigan in 1957. I also did post-graduate studies at the University of Southern California in 1961 and at the University of California at Berkeley in 1963 in the subject of mathematics. I have been employed by the Port Authority for more than 30 years in the field of market surveys, research and economic analysis. I am a member of the Institute of Mathematical Statistics, the Royal Statistical Society, the International Association of Travel Research and Marketing Professionals. I am the author of a variety of published articles concerning the conduct of statistically valid surveys of behavior in the travel industry.

4. In my present position, I direct, develop, implement and interpret and analyze marketing surveys of airport users such as air passengers and airport parking lot customers. My duties include directing, developing, implementing, and interpreting inflight surveys of air passengers using the Port Authority airports to develop statistically valid profiles of those air passengers.

5. The Port Authority has conducted such inflight surveys at six-year intervals since 1956. These surveys are used by the Port Authority to assess future demands for roadways, parking lots, inter-terminal connectors and many other services both on and off the airports, as part

of the Port Authority's continuing efforts to expedite the movement of air passengers to and from their flights.

6. Each interflight survey in the series since 1956 has been based on information provided by air passengers who filled out questionnaires on the flights boarded at a Port Authority airport. The last survey was conducted during a 12-month period ending September 30, 1985.

7. The population to be sampled in the 1984-85 survey was defined as all passengers enplaned on scheduled airline flights out of the Port Authority airports for the year ending September 30, 1985. This definition does not include corporate aircraft, non-scheduled airline activity, and commuter airline flights. The excluded flights represent no more than 3 percent of the total number of flights enplaned at the Port Authority airports.

8. The 1984-85 survey data presents a statistically valid profile of the population sampled because the survey sample was selected on a random basis and the validity of the sample was verified theoretically and empirically.

9. The 1984-85 survey was conducted by collecting questionnaires from passengers on each of 1,100 outbound flights chosen from the approximately 350,000 outbound flights in the population. Thus, a two-stage sampling method was employed.

10. The first stage of the sampling procedure was selection of the flights to be selected as samples. A

random sample of one flight per day from the total population of approximately 350,000 outbound flights to be selected for the sample was chosen as follows:

(a) All flight schedules effective on a subject day at a subject airport were listed in chronological order in the computer and assigned a number from one through the total number of flights that day. Then one of them was selected by a generally accepted method of random number generation and the flight bearing that number was the sample flight selected for that day at the airport.

(b) To select the random number, a computer millisecond clock was accessed at the last three decimal positions at the instant of demand for a three digit number. If the number fell within the range 001 to the number of flights that day at that airport in question, the number was used. If not, another random number was selected.

(c) The randomness of the first month's sample against the population of the population being sampled was verified by use of a Chi-square test. The Chi-square test is a test used in statistical analysis to determine whether a sample has been randomly selected from a population and thus is representative of the population from which it is drawn.

11. The second stage of sampling was the collection of questionnaires from passengers on the sampled flights. Survey representatives met with a selected flight's crew just before departure and supplied questionnaires to be distributed to passengers as they boarded. Questionnaires were not distributed to passengers on continuing international flights who did not enter the United States

at any of the Port Authority airports. The questionnaires were completed while the flight was enroute, collected by aircraft crew and returned by the airline in question. The number of passengers enplaned on each of the flights selected for inclusion in the sample was compared with the number of questionnaires received from that flight. If the response rate was less than 15%, the sampling was rescheduled. If the response rate was less than 100%, the questionnaire responses were weighted to represent the full passenger load. The average response rate was 50%.

12. The theoretical estimates of error for the results of the inflight survey can be derived with standard deviation analysis. Standard deviation analysis is a generally accepted method of determining the estimate of error for the results of random surveys. The survey sampled 17,000 passengers. Under standard deviation analysis, the theoretical estimate of error for the percentage results of the 1984-85 inflight survey of 17,000 passengers would not be more than one percentage point in 99 out of 100 other surveys conducted in the same manner as the 1984-85 survey. This statement of accuracy is sometimes expressed as stating that the percentages set forth herein are accurate within one percentage point, plus or minus.

13. An empirical test of the statistical validity of the entire survey was made by an independent comparison. Survey-based estimates of the number of cars left at each airport by passengers away for two, three, four, five, six, seven, and seven plus days were compared with the actual number of cars parked in airport parking lots for those periods. The airport parking lot counts are a matter of record provided by monthly reports from the public parking lot operators at each airport. The correspondence

between the survey estimates and the parking lot records provided unquestionable assurance that the survey sample of passengers was representative of the air passenger population from which it was drawn, with, at least, the high degree of fidelity implied by the theoretical estimate of error.

14. A copy of the survey questionnaire is attached hereto as Exhibit A. The sixth question block under Question No. 11, in the center column, contains questions directed at passengers who arrived at a Port Authority airport on another aircraft and left on the flight being surveyed. Question D in that block specifically inquires whether the passenger traveled between airline terminal buildings between flights.

15. (a) I have been asked to analyze the data gathered in the survey to determine the percentage of all passengers enplaned at each of three specific terminals who arrived at that terminal by air. The results of that analysis are as follows:

Terminal	Percentage of "intra-terminal flight" passengers
LaGuardia – Central Terminal Building	2%
Newark International Terminal – North Terminal	3%
John F. Kennedy International – International Arrivals Building	0.7%

(b) The Court should note the following with regard to the 3% figure for the North Terminal. In 1984-85, People Express, Inc. conducted scheduled flights in and out of the North Terminal. However, at present Continental Airlines, Inc., the only scheduled carrier operating out of the North Terminal, operates a reduced schedule of flights. The calculation arriving at the 3% figure set forth above was based on data from People Express flights corresponding to the current Continental schedule.

16. The percentage figures set forth in the preceding paragraph are statistically valid statements of the percentage of "intra-terminal flight" passengers because they are based on the data collected in the 1984-85 random sample inflight survey described above.

17. (a) The percentage figures set forth above are based on the numbers of questionnaires set forth below:

Terminal	Number of questionnaires
LaGuardia – Central Terminal Building	3,110
Newark International Terminal – North Terminal	2,560
John F. Kennedy International – International Arrivals Building	1,830

(b) Thus, each estimate of the percentage of passengers on "intra-terminal flights" was based on an analysis of 1,000 or more questionaires collected in the 1984-85 inflight survey. Under standard deviation analysis, the theoretical estimate of error for the percentage

for each terminal would not be more than one percentage point in 99 out of 100 other surveys conducted in the same manner as the 1984-85 survey. This statement of accuracy is sometimes expressed as stating that the percentages set forth herein are accurate within one percentage point, plus or minus.

/s/ Frederick V. Hurst, Jr.
FREDERICK V. HURST, JR.

Sworn to before me this 22nd
day of April, 1988.

/s/ Arnold D. Kolikoff
NOTARY PUBLIC

ARNOLD D. KOLIKOFF
Notary Public, State of New York
No. 24-4834667
Qualified in Kings County
Commission Expires June 30, 1989

Nº 101321 ID [ ]

Please complete this questionnaire and return it to your Flight Attendant.

Airport Access Survey

A Study of Transportation to Airports in the New York/New Jersey Metropolitan Area.

WHY YOU HAVE BEEN GIVEN THIS QUESTIONNAIRE

The Port Authority of New York and New Jersey, who manages Kennedy Airport, together with your host airline, is conducting this survey to help improve airport services for you the passenger. Since one flight is selected at random from every 250 departures it is vital that every passenger on the selected flight complete the questionnaire.

WHO SHOULD ANSWER THE QUESTIONNAIRE

EACH ADULT AND TEENAGER is urged to complete this questionnaire. BOTH HUSBAND AND WIFE who might be travelling together on this flight should be sure to complete questionnaires. PASSENGERS WHO ARE SIMPLY CHANGING PLANES at Port Authority airports should also complete the questionnaire.

YOU MAY BE A WINNER!

Passengers on this flight are eligible for a weekly drawing for DINNER FOR TWO AT THE FAMOUS WINDOWS ON THE WORLD RESTAURANT ATOP THE WORLD TRADE CENTER IN NEW YORK CITY or at other select restaurants around the world. To be included in the drawing write your name and address in the space provided inside at the end of this questionnaire and hand it in. You are not required to answer this questionnaire in order to be eligible for the drawing.

1. **Which flight is this?** _____ (Airline) _____ (Flight Number) _____ (Date)

2. **At which airport did you first board this plane?**
   ☐ Kennedy Airport, OR ☐ another airport: _____ (airport name)

3. **At which city will you leave this plane?** _____ [ ][ ][ ]

4. **If your immediate destination is in or close to the above city — check here** ☐
   IF IT IS NOT, What is your immediate destination city? _____ [ ][ ][ ]

5. **Will you spend tonight in the city where you live?** Yes ☐ 1 No ☐ 2
   IF NO: A) In which city will you spend tonight? _____ [ ][ ][ ]
   B) How many nights until you are back in your hometown again? ____

6. **Where do you live?** USA ☐ 1 Canada ☐ 2 Europe ☐ 3 Other ☐ 4
   IF USA: What is your home zip code? [ ][ ][ ][ ][ ] OR _____ (City) _____ (State)
   IF NOT USA: City _____ **Country** _____

7. **Do you own a valid passport?** Yes ☐ 1 No ☐ 2
   IF YES: from which country? _____ [ ][ ]

8. **Is this a business trip?** Yes ☐ 1 No ☐ 2

9. **How many OTHER round trips by air have you made over the past twelve months?**
   None ☐ OR _____ trips

10. **By the time this trip is completed how many nights will you have spent VISITING in the NJ/NY/CONN/PA METROPOLITAN AREA?**
    0 ☐ 1 ☐ 2 ☐ 3 ☐
    ☐ More than 3: How many? _____
    How many of these nights in hotels/motels? All ☐ None ☐ OR # _____

HOW DID YOU GET TO KENNEDY AIRPORT TODAY?

11. **For each TYPE OF TRANSPORTATION listed below, check "Yes" if you used it for any part of your trip to KENNEDY AIRPORT today, and answer detailed questions about your use of specific types of transportation in space below following your "Yes" check.**

Did you use a PRIVATE CAR? Yes ☐ 1 No ☐

A) Was your ride in the CAR shared with anyone else who is not with you in this flight? Yes ☐ 1 No ☐ 2

B) Was the CAR driven onto Kennedy Airport? Yes ☐ 1 No ☐ 2
   IF YES: 1) Was it driven directly to this airline's terminal curb to drop air passengers? Yes ☐ 1 No ☐ 2
   IF YES: Was the car then driven into an airport parking lot? Yes ☐ 1 No ☐ 2 Don't Know ☐ 3
   2) Was it driven directly into a parking lot without first stopping at airline terminal? Yes ☐ 1 No ☐ 2

C) Is the CAR now in a parking lot awaiting your return from this trip? Yes ☐ 1 No ☐ 2
   IF YES: Where is it parked? (Check your parking ticket stub if necessary)
   ☐ In an airport parking lot — circle lot #: 1 2 3 4 5 Skyroof
   ☐ In another parking lot — which one? _____

Did you use a RENTAL CAR? Yes ☐ 1 No ☐

A) Which rental agency?
   ☐ 1 Avis ☐ 2 Dollar ☐ 3 National
   ☐ 4 Budget ☐ 5 Hertz ☐ 6 Other _____

B) For how many days was the car rented? _____

C) What was the cost? _____
   Did this include insurance? Yes ☐ 1 No ☐ 2

D) Where was the car picked up? At JFK airport ☐ 1 At another location ☐ 2
   Where was the car dropped off? At JFK airport ☐ 1 At another location ☐ 2

Did you use TAXI? Yes ☐ 1 No ☐

A) Where did you board the TAXI? _____ ☐

B) Where did you leave the TAXI? ☐ JFK or ☐ Other "specify" _____

C) Was the cost based on a meter? Yes ☐ 1 No ☐ 2 Don't Know ☐ 3

D) How much did it cost (including tip)? ___ ___ or ☐ Don't Know

Did you use LIMOUSINE? Yes ☐ 1 No ☐

A) Was it private ☐ 1 or public (scheduled) ☐ 2

B) Which LIMO service did you use?
   ☐ 1 Abbey Transport
   ☐ 2 Airport Transp. Svces
   ☐ 3 Connecticut Limo
   ☐ 4 Fugazy Limo
   ☐ 5 Long Island Limo
   ☐ 6 Salem Limo
   ☐ 7 Trans/Port Limo
   ☐ 8 Tricentennial Limo
   ☐ 9 Winston Limo
   ☐ 0 Other (Please specify) _____

C) How much did it cost? ___ ___ for: 1 ☐ 1 2 ☐ 2 3 or more ☐ 3

Did you use BUS? Yes ☐ 1 No ☐

A) Which BUS service did you use?
   ☐ 1 Carey Motor Coach
   ☐ 2 Q10 Green Line Bus
   ☐ 3 Shortline Flight Catcher
   ☐ 4 Other: please specify _____

Did you use AIRPLANE? Yes ☐ 1 No ☐

A) City where boarded? _____ [ ][ ][ ] Time on _____

B) Name of airline? _____ [ ][ ] Time off _____

C) Airport at which you left that plane? LGA ☐ 1 JFK ☐ 2 NWK ☐ 3 Other ☐ 4

D) Did you arrive in one airline terminal building at Kennedy Airport and have to go to another building to board this plane? Yes ☐ 1 No ☐ 2

Did you use HELICOPTER? Yes ☐ 1 No ☐

A) Name of airline/operator? _____ [ ][ ]

B) Where boarded Manhattan ☐ 1 LGA ☐ 2 JFK ☐ 3 NWK ☐ 4 Other ☐ 5

Did you use RAIL? Yes ☐ 1 No ☐

A) Which one?
   ☐ 1 LIRR
   ☐ 2 Amtrak
   ☐ 3 Metro North
   ☐ 4 NJ Transit
   ☐ 5 "Train to the Plane"
   ☐ 6 Subway

Did you use FREE COURTESY CAR, VAN or BUS? Yes ☐ 1 No ☐

A) Where did you board it? _____

12. A) **Your trip to Kennedy Airport started:**
    ☐ 1 From a private home ☐ 3 From a hotel/motel
    ☐ 2 From an office ☐ 4 From a school/military base
    B) **Zip Code of above location:** [ ][ ][ ][ ][ ] or, if you don't know Zip:
    Street address: _____ (or nearest street intersection or name of hotel etc.)
    C) **In which city?** _____ **State?** ☐ NY ☐ NJ ☐ CT ☐ Other: _____
    D) **If you started in New York City, in which borough?**
    Manhattan ☐ 1 Queens ☐ 2 Staten Island ☐ 3 Bronx ☐ 4 Brooklyn ☐ 5

13. **Did you spend last night in the city where you live?** Yes ☐ 1 No ☐ 2
    IF NOT a) In which city did you spend last night? _____ [ ][ ][ ]
    b) How many nights since you were last in your hometown? ____

14. **Your time spent enroute to and at Kennedy Airport:**
    A) At what time did this flight leave FROM KENNEDY? _____ [ ][ ]
    B) At what time did you ARRIVE AT KENNEDY to board this flight? _____ [ ][ ]
    C) At what time did you start your trip to KENNEDY? _____ [ ][ ]

15. **Please check one box below to show whether or not you are using one of the special tickets indicated:**
    ☐ 1 Travel Agent's Employee Ticket
    ☐ 2 Airline Employee or Relative's Ticket
    ☐ 3 Not using either of above special tickets

16. **The ticket for your ride on this flight covers travel:**
    A) From: _____ to: _____ [ ][ ] [ ][ ]
    B) Does it cover the reverse direction also? Yes ☐ 1 No ☐ 2
    C) How much did it cost? _____ or Don't Know ☐

17. **Does your ticket provide for seating in First Class?** Yes ☐ 1 No ☐ 2

18. **Your age?** 12-19 ☐ 1 20-24 ☐ 2 25-34 ☐ 3 35-44 ☐ 4 45-54 ☐ 5 55-64 ☐ 6 65 plus ☐ 7

19. **Your sex?** Male ☐ 1 Female ☐ 2

20. **Your marital status?** Single ☐ 1 Married ☐ 2 Widowed ☐ 3

21. **Please check your current work status below:**
    ☐ 1 Working full time ☐ 2 Retired ☐ 3 Housewife/homemaker
    ☐ 4 Full time student ☐ 5 Working part time ☐ 6 Seeking employment
    IF working, retired or seeking employment write in:
    Job Title: _____ [ ][ ]
    Type of Company or Organization: _____ [ ][ ]

22. **What is your highest year of formal education completed (circle one):**
    8 elementary school | 9,10,11,12 high school | 13,14,15,16 college | 17,18,19 or more graduate studies

23. **What is your household income?**
    Yours, plus that of your spouse/others in your household
    ☐ 1 to $10,000 ☐ 2 to $30,000 ☐ 3 to $60,000 ☐ 4 to $80,000 ☐ 5 to $100,000
    ☐ 6 to $20,000 ☐ 7 to $40,000 ☐ 8 to $60,000 ☐ 9 $100,000 and more
    Number of incomes included above: 1 ☐ 1 2 ☐ 2 3 or more ☐ 3

24. **How many people are there in your household (include yourself)?**
    Adults ____ Teenagers ____ Children (3-12 yrs) ____ Infants under 2 ____

25. **Are you travelling in a charter or tour group today?** Yes ☐ 1 No ☐ 2
    IF YES: About how many in the group? 1 ☐ 20 or less 2 ☐ 21 or more

26. **Your PERSONAL Travel Party — Are you making this trip:**
    ☐ 1 with your husband or wife and/or ☐ 2 with friends or business Assocs. and/or ☐ 3 with other relatives OR ☐ 4 alone

27. **If you are Not Making this trip alone — How many OTHERS are in your PERSONAL travel party?**
    Adults ____ Teenagers ____ Children (3-12 yrs) ____ Infants under 2 ____

28. **Space is provided below for your name and address. We would like to have it so that we can check the validity of some questionnaires. Even if you choose to remain anonymous, however, we value your questionnaire highly and THANK YOU FOR YOUR COOPERATION. If you want to be entered in the weekly drawing for two dinners, however, we must have your name and address.**
    NAME: _____
    STREET ADDRESS: _____
    CITY: _____ STATE: _____ ZIP [ ][ ][ ][ ][ ]
    HOME TELEPHONE: _____ BUSINESS: _____

EXHIBIT A

BEST AVAILABLE COPY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

(Filed May 10, 1988)

INTERNATIONAL SOCIETY FOR KRISHNA CONSCIOUSNESS, INC., et al., Plaintiffs, -against- WALTER LEE, et al., Defendants.	75 Civ. 5388 (MJL)

SETTLEMENT AGREEMENT AND RELEASE

WHEREAS, plaintiffs International Society for Krishna Consciousness, Inc. and Brian Rumbaugh instituted this action on October 29, 1975 against the Port Authority of New York and New Jersey (the "Port Authority") and Eastern Air Lines and Walter Lee, Chief of Port Authority Police, individually and in his official capacity; and;

WHEREAS, the airlines who lease space (the "Airline Defendants"[1]) from the Port Authority at John Fitzgerald Kennedy International ("JFK") Airport, LaGuardia Airport, and Newark International Airport, (the "New York Airports") were made parties to this action by service

[1] The "Airline Defendants" are listed below as signatories to this agreement.

upon them of a Summons and First Amended Complaint dated October 27, 1977 ("First Amended Complaint"); and

WHEREAS, the First Amended Complaint alleged that the general circulation areas of the space leased by the Airline defendants from the Port Authority was, and is, a public forum appropriate for the exercise of expressive activities, and that certain policies and practices of the Airline Defendants prohibiting the distribution of literature and solicitation of contributions in the leased areas at the New York Airports, constituted state action in derogation of plaintiffs' first amendment rights; and

WHEREAS, the Airline Defendants maintained and continue to maintain that their policies prohibiting plaintiffs' activities in the Airline Defendants' leased space do not constitute state action and thus cannot violate plaintiffs' constitutional rights; and

WHEREAS, the Airline Defendants maintained and continue to maintain that even if their policies constitute state action, none of the areas leased by the Airline Defendants is an appropriate public forum for the exercise of plaintiffs' proposed activities and none of the Airline Defendants' policies violate any constitutional rights of plaintiffs; and

WHEREAS, none of the issues set forth above or otherwise raised by this litigation have been resolved; and

WHEREAS, the parties to this agreement desire to settle the above-styled lawsuit and thereby resolve all differences among them;

NOW, THEREFORE, in consideration of the premises and the mutual promises and other consideration recited herein, the undersigned parties hereby stipulate and agree as follows:

1.

The Airline Defendants will pay to plaintiffs the total sum of $165,000.00 within 30 days of the date hereof.

2.

The plaintiffs hereby release and forever discharge each of the Airline Defendants, its officers, directors, servants, agents, attorneys, trustees, successors or assigns and any other airline which presently or in the future leases space, directly or indirectly, at the New York Airports from the Port Authority whether or not a defendant herein, from any and all claims, demands, rights of action, causes of action, lawsuits, damages, attorneys' fees, losses and expenses of any nature whatsoever, in law or in equity, which the plaintiffs, or any members of the International Society for Krishna Consciousness have or have had, or may hereafter claim to have had, against any of the Airline Defendants, arising from or by reason of any matter, act, omission, cause or thing whatever, whether known or unknown, foreseen or unforeseen, which has heretofore occurred relating in any way to any policy, act, practice, or decision, of any Airline Defendant or any combination of Airline Defendants, not to allow plaintiffs to distribute literature, solicit contributions, sell books or other materials, practice "Sankirtan" or perform any other alleged First Amendment activities in any

space leased by any Airline Defendant in any of the New York Airports identified above, and further including, but not limited to, any and all claims that have been asserted or could have been asserted or that relate in any manner to the facts or claims described in the lawsuit currently styled *International Society for Krishna Consciousness, Inc. and Brian Rumbaugh on behalf of themselves and all International Society for Krishna Consciousness, Inc. members, Plaintiffs, against Walter Lee, et al., Defendants,* 75 Civ. 5388 (MJL), pending in the United States District Court for the Southern District of New York. By this paragraph, plaintiffs do not release or discharge any person or entity not specifically referred to in this paragraph.

3.

Plaintiffs hereby agree to dismiss the above-styled lawsuit with prejudice with each party to bear its own costs.

4.

Notwithstanding the plaintiffs' dismissal of the above-styled lawsuit with prejudice and any other provision herein, the Airline Defendants expressly agree that, in the event that a person or entity unrelated in any manner to, and not induced, funded or actively supported by plaintiffs or the International Society for Krishna Consciousness (the "Unrelated Plaintiff"), successfully prosecutes an action against any of the Airline Defendants in which the Unrelated Plaintiff obtains a final judgment establishing that: (1) an Airline Defendant's policies or practices substantially similar to those

involved in the above-styled lawsuit constitute state action, (2) the leased space of the Airline Defendant is a public forum appropriate for the exercise of solicitation and distribution activities similar to those plaintiffs sought to exercise in the above-styled lawsuit, and (3) the Unrelated Plaintiff has a constitutional right to perform such activities in the Airline Defendant's leased space such that the Airline Defendant is judicially required to allow access to its leased space at a New York Airport to individuals or entities to perform solicitation and distribution activities similar to those sought to be performed by plaintiffs in the above-styled lawsuit; then, plaintiffs will, subject to reasonable time, place and manner restrictions, be allowed access to the leased space of that Airline Defendant on the same terms and conditions as accorded the Unrelated Plaintiff in the litigation described in this paragraph.

5.

The parties to this Agreement specifically acknowledge that this Agreement does to preclude plaintiffs from continuing to pursue or from subsequently pursuing claims against the Port Authority or the Chief of the Port Authority Police for access to Port Authority-controlled, non-leased space at the New York Airports. At the present time, the parties expressly acknowledge that the only Port Authority-controlled, non-leased space at the New York Airports is the area in the central "Arrivals Building" (Building Number 50) at JFK Airport highlighted in yellow on the attached Exhibit "A," the "Central Terminal Area" and the corridors at LaGuardia Airport highlighted in yellow on the attached Exhibit "B" and the "North

Terminal" at Newark Airport. Plaintiffs expressly agree that the success or failure of any attempt to gain additional access to non-leased, Port Authority-controlled space shall have no effect whatsoever on any of the Airline Defendants and that in no event whatsoever shall plaintiffs ever seek access to any airline-leased space other than as set forth in paragraph 4 above.

6.

Plaintiffs expressly warrant and represent that this agreement is intended to be binding upon plaintiffs and all members of plaintiff International Society for Krishna Consciousness, Inc., the Bhaktivedanta Book Trust, and all members of the International Society for Krishna Consciousness who may be in privity with plaintiffs herein. Plaintiffs expressly warrant and represent that: (1) they will not attempt to relitigate any of the issues raised in the above-styled lawsuit against the Airline Defendants with respect to the New York Airports, on behalf of any other members of plaintiff corporation or the International Society for Krishna Consciousness, or any other person or entity, and (2) they will not fund, actively support, induce or attempt to induce any other person or entity to do so.

7.

This Settlement Agreement and Release is not and shall not be construed to be an admission by any of the parties to this Agreement of the validity or invalidity of any of the claims asserted in the above-styled lawsuit, or of the liability of any party with respect to any such

claim, or that the Airline Defendants have any liability to plaintiffs whatsoever. Neither plaintiffs nor defendants shall be deemed to have prevailed as against the other in this action by reason of this agreement or by reason of any final judgment which may be awarded against the Port Authority or any other party to this lawsuit. Plaintiffs expressly warrant that the payment received hereunder is in full settlement of and precludes any further claim to any award of attorneys' fees pursuant to 42 U.S.C. §1988 or any other rule, be it statutory or judicial.

8.

Each party to this agreement is prohibited from disclosing any of the terms of this Settlement Agreement and Release (except as provided herein) other than as necessary to comply with or enforce the terms of this Settlement Agreement or to satisfy accounting or regulatory requirements. However, the parties shall be permitted to disclose that: (a) prior to the entry of the Dismissal With Prejudice referred to above, the fact, and only the fact, that the litigation between them has been "settled," or (b) that after the Dismissal With Prejudice has been entered, the fact, and only the fact, that the case has been "finally settled." In the event of an order of any court requiring either party to testify to the fact of or to the terms of this Agreement, compliance with such an order by either party shall not be deemed a breach of this agreement.

9.

This Settlement Agreement sets forth the entire agreement between the parties and all prior understandings and agreements heretofore had between the plaintiffs and the Airline Defendants are merged into this Agreement.

10.

This Agreement may not be altered, amended, changed, waived, terminated or modified in any respect or particular unless the same shall be in writing and signed by or on behalf of the party to be charged therewith.

11.

This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, executors, administrators, trustees, legal representatives, successors and assigns.

12.

This Agreement shall be interpreted in accordance with the law of the State of New York.

IN WITNESS WHEREOF, the undersigned have caused this release to be signed this 3rd date of May, 1988.

INTERNATIONAL SOCIETY FOR KRISHNA CONSCIOUSNESS, INC.

By:/s/ illegible
Authorized Agent
Title
BRIAN RUMBAUGH

/s/ Brian Rumbaugh

AMERICAN AIRLINES, INC., ALITALIA- LINEE AEREE ITALINANE, S.p.A., BRANIFF, INC., BRITISH AIRWAYS, CONTINENTIAL AIRLINES, INC., DELTA AIR LINES, INC., EASTERN AIR LINES, INC., KLM ROYAL DUTCH AIRLINES, INC., MIDWAY AIRLINES, INC., NORTHWEST AIRLINES, INC., PAN AMERICAN WORLD AIRWAYS, PIEDMONT AIRLINES, TRANS WORLD AIRLINES, UNITED AIRLINES, INC. and USAIR, INC.

By: /s/William H. Boice
WILLIAM H. BOICE

Attorney for above listed Airline Defendants a/k/a Air Canada Group Defendants

KILPATRICK & CODY
3100 Equitable Building
100 Peachtree Street
Atlanta, Georgia 30043
(404) 572-6500

AIR-INDIA, IBERIA AIRLINES OF SPAIN, ICELANDAIR, IRISH INTERNATIONAL AIRLINES, JAPAN AIRLINES, SCANDINAVIAN AIRLINES SYSTEM and VARIG BRASILIAN AIRLINES

By: /s/ Philip Le B. Douglas
PHILIP LE. B. DOUGLAS

Attorney for above listed Airline Defendants a/k/a Air India Group Defendants

WINTHROP, STIMSON,
PUTNAM & ROBERTS
40 Wall Street
New York, New York 10005
(212) 943-0700

LUFTHANSA GERMAN AIRLINES

By: /s/ Alan D'Ambrosio
ALAN D'AMBROSIO, P.C.

Attorney for Lufthansa German Airlines

501 Fifth Avenue
New York, New York 10017
(212) 370-1600

AIR FRANCE

By: /s/ John Martin
JOHN MARTIN

Attorney for Air France

BIGHAM, ENGLAR,
JONES & HOUSTON
14 Wall Street
New York, New York 10005
(212) 732-4646

SWISSAIR, SWISS AIR TRANSPORT COMPANY, LTD.

By: /s/ Laurence A. Short
LAURENCE A. SHORT

Attorney for Swissair

SHORT, KLEIN & KARAS, P.C.
1101 Thirtieth Street, N.W.
Suite 303
Washington, D.C. 20007

So ORDERED, this 5 day of May, 1988.

/s/ illegible
United States District Court Judge

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----------x

INTERNATIONAL SOCIETY FOR KRISHNA CONSCIOUSNESS, INC., *et al.*,

Plaintiffs,

-against-

WALTER LEE, Superintendent of the Port Authority Police, individually and in his official capacity, *et al.*,

Defendants.

----------x

75 Civ. 5388 (MJL)

DEFENDANT SUPERINTENDENT'S OBJECTIONS TO MAGISTRATE'S REPORT AND RECOMMENDATION

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. § 636(b)(1), Fed. R. Civ. P. 72(b) and Rule 7 of the Rules for Proceedings Before Magistrates, defendant Henry I. De Geneste, Superintendent of the Port Authority Police (hereinafter "Superintendent")* hereby files the following objections to the Report and Recommendation dated October 25, 1988 (hereinafter "Report") of United States Magistrate Michael H. Dolinger in the above-captioned case.

The Superintendent objects to the recommendation that the plaintiffs' motion for summary judgment be granted. The Superintendent specifically objects to the

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* Mr. De Geneste is the present incumbent of the position formerly held by defendant Walter Lee.

Report insofar as it recommends that this Court hold that the rule of The Port Authority of New York and New Jersey (hereinafter "Port Authority") requiring non-commercial leafleting and the solicitation of funds to be conducted on the exterior portions of airport terminals is unlawful as a prohibition of First Amendment activity in a public forum.

The Superintendent further objects to the Report insofar as it does not recommend that the plaintiffs' motion be denied on the alternative grounds that,

(a) The Port Authority airport passenger terminals are non-public fora and the Port Authority regulation is a lawful restriction of First Amendment activities in non-public fora; or,

(b) There are triable issues of fact regarding the public forum status of the Port Authority airport passenger terminals; or

(c) Even if it is assumed, contrary to law, the Port Authority airport passenger terminals are public fora, the Port Authority regulation is a time, place and manner restriction that is beyond the scope of this suit; or,

(d) Even if it is assumed, contrary to law, the Port Authority airport passenger terminals are public fora, and it is held that this suit encompasses the validity of time, place and manner regulations, the Port Authority regulation is lawful as a reasonable time, place and manner restriction in a public forum; or, there are triable issues of fact regarding the legality of the Port Authority's regulations.

Pursuant to the foregoing objections, the Superintendent respectfully requests this Court to deny plaintiffs' motion for summary judgment and a permanent injunction in a *de novo* determination pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b) for the reasons set forth herein.

Dated: New York, New York
December 14, 1988

PATRICK J. FALVEY
Attorney for Defendant
Superintendent of
Port Authority Police
One World Trade Center – 66E
New York, New York 10048
(212) 466-8794

By: /s/ Arthur P. Berg
ARTHUR P. BERG

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

INTERNATIONAL SOCIETY FOR KRISHNA CONSCIOUSNESS, INC., et al.,

Plaintiffs,

-against-

WALTER LEE, et al.,

Defendants

DOC #
75 Civ. 5388 (MJL)

JUDGMENT

(Filed Oct. 19, 1989)

Plaintiffs having moved by notice dated November 11, 1987 for summary judgment declaring invalid certain rules, regulations, policies and practices of the Defendants and enjoining Defendants from enforcing any such rules, regulations, policies or practices; and the matter having been referred to Magistrate Michael H. Dolinger for report and recommendation; and the Magistrate having recommended in Report and Recommendation dated October 25, 1988 that Plaintiffs' motion for summary judgment be granted; and the Defendants having submitted objections to such Report and Recommendation and the Plaintiffs having filed response thereto; and the Court having rendered its opinion and order dated September 14, 1989 adopting such Report and Recommendation and granting the motion of Plaintiffs for summary judgment, it is now

ADJUDGED AND DECLARED that the public areas of the passenger terminals at John F. Kennedy Airport,

LaGuardia Airport and Newark International Airport including the public interior areas of such terminals, are public fora; that the current rules, regulations, policies and practices of the Port Authority of New York and New Jersey prohibiting the sale or distribution of literature or the solicitation or receipt of contributions in such public areas are void and unconstitutional, and it is further

ADJUDGED AND DECREED that the Defendants, and each of them, and their agents, servants, attorneys and employees are permanently enjoined from enforcing or attempting to enforce any such rule, regulation, policy or practice.

Dated: _____

ENTER

_____

U.S.D.J.

illegible 10-23-89

_____

SDNY
0208-01: 75C. 5388
Judge Lowe.

UNITED STATES COURT OF APPEALS

FOR THE

Second Circuit

MANDATE

_____

At a Stated Term of the United States Court of Appeals for the Second Circuit, held at the United States Courthouse in the City of New York, on the 25th day of February, one thousand nine hundred and ninety-one.

Present: HON JAMES L. OAKES, Chief Judge
HON. RALPH K. WINTER
HON. ROGER J. MINER

Circuit Judges,

_____

INTERNATIONAL SOCIETY FOR KRISHNA CONSCIOUSNESS, INC. and JOHN WINSLOW, on behalf of themselves and all International Society for Krishna Consciousness members,

Plaintiffs-Appellees,

-v-

WALTER LEE, Superintendent of Port Authority Police,

Defendant-Appellant.

Docket No. 89-9181

(Filed Feb. 25, 1991)

_____

Appeal from the United States District Court for the Southern District of New York.

This cause came on to be heard on the transcript of record from the United States District Court for the Southern District of New York and was argued by counsel.

ON CONSIDERATION WHEREOF, it is now hereby ordered, adjudged and decreed that the judgment of said District Court be and it hereby is affirmed in part, reversed in part in accordance with the opinion of this court.

Elaine B. Goldsmith, Clerk
By:

/s/ Edward J. Guardaro,
Edward J. Guardaro,
Deputy Clerk

A TRUE COPY
ELAINE B. GOLDSMITH
/s/ Elaine B. Goldsmith
Clerk

ISSUED AS MANDATE:
May 6, 1991